

Notice of Meeting

Cabinet Member for Environment and Transport Decisions



Date & time
Tuesday, 4 July
2017 at 4.00 pm

Place
Committee Room C,
County Hall, Kingston
upon Thames, Surrey
KT1 2DN

Contact
Andrew Baird and Joss
Butler
Room 122, County Hall
Tel 0208 541 7609 or 0208
541 9702

Chief Executive
David McNulty

andrew.baird@surreycc.gov.uk or
Joss.butler@surreycc.gov.uk

If you would like a copy of this agenda or the attached papers in another format, eg large print or braille, or another language please either call 020 8541 9122, write to Democratic Services, Room 122, County Hall, Penrhyn Road, Kingston upon Thames, Surrey KT1 2DN, Minicom 020 8541 8914, fax 020 8541 9009, or email andrew.baird@surreycc.gov.uk or Joss.butler@surreycc.gov.uk.

This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Andrew Baird and Joss Butler on 0208 541 7609 or 0208 541 9702.

Elected Members
Mr Mike Goodman

AGENDA

1 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 and / or
- ii. Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

2 PROCEDURAL MATTERS

a Members' Questions

The deadline for Members' questions is 12pm four working days before the meeting (28/06/2017).

b Public Questions

The deadline for public questions is seven days before the meeting (27/06/2017).

c Petitions

The deadline for petitions was 14 days before the meeting, and no petitions have been received.

3 LOCAL TRANSPORT REVIEW 2017/18 YEAR 3 REPORT

(Pages 1
- 8)

This report summarises the third and final year of the Local Transport Review (LTR), a review of local transport services provided by the council for Surrey residents. The LTR has delivered vital savings and efficiencies to the local bus budget, whilst maintaining as many of the services as possible which residents rely upon.

4 LICENCING OF THE SURREY HILLS TRADEMARK

(Pages 9
- 20)

The Surrey Hills Area of Outstanding Natural Beauty (AONB) is a nationally designated landscape that stretches across rural Surrey. It includes some of the most beautiful and accessible countryside in South East England. The Surrey Hills AONB Board, a Joint Committee which oversees the management of the area, has developed a number of innovative ways to attract investment into Surrey's countryside. This includes developing a Surrey Hills brand which is protected through a Trademark. This report recommends extending the licence of the Trademark to Surrey Hills Enterprises and the Surrey Hills Society.

David McNulty
Chief Executive

Published: 26 June 2017

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting. To support this, County Hall has wifi available for visitors – please ask at reception for details.

Anyone is permitted to film, record or take photographs at council meetings with the Chairman's consent. Please liaise with the council officer listed in the agenda prior to the start of the meeting so that the Chairman can grant permission and those attending the meeting can be made aware of any filming taking place.

Use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to the PA or Induction Loop systems, or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

Thank you for your co-operation

This page is intentionally left blank

SURREY COUNTY COUNCIL

CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT

DATE: 4 JULY 2017

LEAD OFFICER: TREVOR PUGH, STRATEGIC DIRECTOR FOR ENVIRONMENT AND INFRASTRUCTURE

SUBJECT: LOCAL TRANSPORT REVIEW 2017/18 YEAR 3 REPORT



SUMMARY OF ISSUE:

This report summarises the third and final year of the Local Transport Review (LTR), a review of local transport services provided by the council for Surrey residents. The LTR has delivered vital savings and efficiencies to the local bus budget, whilst maintaining as many of the services as possible which residents rely upon.

To date, Surrey County Council (SCC) has achieved £1.766m of savings over years 1 and 2 of the LTR, against a backdrop of increasing financial pressures; a £2m savings target was attributed to the review as specified by the Medium Term Financial Plan (MTFP).

Unlike in years 1 and 2 of the review, there are no proposed changes to local bus services, which therefore means that no extensive public consultation has been required in year 3. Instead, plans to make the outstanding savings required will utilise other methods, including contract and grant funding reductions and additional savings being realised in this final year. It is proposed that the project can then be formally closed after achieving the required MTFP savings target.

It is, however, important to consider that the County Council is under ever increasing financial pressures, coupled with more demand placed upon services and additional savings may be required in 2018/19 and beyond. This would require a separate project to consider how such savings from the local bus budget could be secured.

RECOMMENDATIONS:

It is recommended that the Cabinet Member for Environment and Transport:

1. approves the remaining savings identified for the third and final year of the Local Transport Review

REASON FOR RECOMMENDATIONS:

These recommendations will deliver the total MTFP saving of £2m across the lifetime of the project and enable the LTR to be formally closed. The LTR has sought to retain the local bus services residents rely upon the most enabling them to access work, education, medical appointments and other key services, whilst also contributing to financial savings and ensuring a sustainable level of service for the future.

DETAILS:

Background

1. Surrey County Council (SCC) spends £7.6m on supporting local bus services within the county, with 29.2m one way passenger journeys made per annum. 20m of these are made by fare paying adults principally travelling to and from work, 8m by concessionary pass holders and 1.2m young people travelling to and from school or college.
2. The Local Transport Review (LTR) is a review of local transport services provided by the council for Surrey residents. Of the 29.2m journeys, 12.5m or 43% of these are completed on services currently funded by SCC. This review therefore aimed to make vital savings and efficiencies to the local bus budget, whilst maintaining as many of the services as possible which residents rely upon.
3. Changes in years 1 and 2 of the LTR contributed vital savings to the council, in the face of huge funding pressures. In the last public consultation, running from 20 January to 14 March 2016, over 2600 residents and stakeholders had their say on the proposed changes to local bus services. The feedback gathered highlighted the value of buses to communities within Surrey, preventing isolation and providing access to employment, education, health facilities and key shopping sites.
4. Responses were therefore carefully analysed and considered when confirming the final proposals to Cabinet who approved the changes identified at its meeting on 24 May 2016. These changes came into effect from 3 and 4 September 2016 and allowed the council to realise full year savings of £0.723m in year 2 of the LTR, without a significant impact to the local bus network within Surrey. Therefore, £1.766m of savings have been delivered in years 1 and 2 combined, at an accelerated rate of delivery compared to the MTFP requirement. This can be seen within the table shown in paragraph 26.
5. Based on the final savings targets highlighted in paragraph 26, there are still £0.234m of savings required from the final year 3 of the LTR. No changes to any local bus services are proposed, therefore a public consultation is not required. Savings have been identified in other areas, which are explained below in paragraphs 6 to 17.

Savings Proposals 2017/18 – Local Bus Service Support

6. The vast majority of savings obtained (£1.509m in a full year from a target of £1.510m) within this work stream were realised in years 1 and 2 of the LTR. In previous years, savings have been made by negotiating with operators on local bus service contracts to re-shape service provision. However, this method has mostly been exhausted and achieving further significant efficiencies in this way for 2017/18 and beyond will be challenging.
7. **£0.062m** will be achieved from the full realisation of a phased three year savings package agreed with the bus operator Metrobus at the beginning of the LTR. This will be captured as part of year 3 savings, but will not involve any diminution of service on the road.
8. **£0.028m** will be achieved from the termination of the contract for service 676 from Walton on the Hill to Therfield School. This has already occurred and the

small number of students who used it have largely been accommodated on alternative services.

9. **£0.021m** will be achieved from an ongoing contract price reduction as part of a revenue share agreement between SCC and Epsom Buses in respect of services E9/ E10 to the housing developments on the site of the former Epsom Hospital clusters.
10. In summary, this amounts to a sub total of **£0.111m** in identifiable savings from supported local bus services.

Savings Proposals 2017/18 – Community Transport

11. Work has continued within the Surrey Community Transport sector to move towards a cost neutral delivery for Surrey residents. The first phase of this programme has taken place with grant allocations for the Dial-a-Ride services being reduced by 10% for the 2017/18 financial year. This has resulted in savings of **£0.040m**.
12. SCC will continue to grant fund Surrey Community Action, who facilitate the provision of the Voluntary Car Schemes, with a modest additional grant being given to promote and develop new, emerging and existing schemes with the 'Drive into Action' Campaign.
13. To ensure the resilience of the Community Transport sector and counter-balance the cost savings being made to the Dial-a-Ride service grants, work is underway on developing income generation opportunities within this work stream. This includes the SEND Transport programme, transport services for the health sector and several S106 agreement opportunities. We are working closely with the boroughs and districts and the voluntary sector to develop these opportunities to move them away from being grant fund reliant and onto a more 'commercial', income generation basis.
14. The Tandridge Community Transport Review is continuing, with a proposed new model of community transport delivery being explored. This could lead to further savings being made, but this will not be confirmed until the end of Quarter 2 of 2017/18.

Savings Proposals 2017/18 – Concessionary Fares

15. For the operation of the English National Concessionary Travel Scheme (ENCTS), we have reviewed and set a lower reimbursement rate during 2017/18 to recompense bus operators for the revenue foregone for pass holders travelling for free. During the three years of the LTR, the reimbursement rate has reduced from 51.44% (2015/16) to 50.2% (2017/18). This, coupled with a slight downturn in pass usage, has delivered a saving of **£0.075m**.
16. During the remainder of the year, a further reimbursement rate review will be completed using additional and more complete data in preparation for 2018/19.
17. Part of this work stream also considers income generation opportunities. There are a number of S106 agreements relating to developer contributions

which provide funding to support the local bus network and this has been applied in Elmbridge to deliver a saving of **£0.050m**.

Additional Financial Pressures

18. It is important to note that extensive savings have been achieved in times of difficult financial pressure. The Surrey Bus Review, delivered between 2010 and 2012, achieved £4.8m of savings. The LTR has already achieved £1.766m, with the remaining savings identified and, if approved, will exceed the minimum MTFP target. This will have been due in large part to the relentless work of officers in trying to maintain as many of the local bus services as possible within Surrey, whilst making the required savings and efficiencies.
19. SCC continues to face ever increasing financial pressures and demand upon services across the whole of the council. £93m of savings are required during 2017/18, with approximately £9.2m from the Environment and Infrastructure Directorate alone. Further savings may be required in 2018/19 and beyond.
20. If there is a requirement for any further additional savings from the local bus budget, proposals will be developed with appropriate stakeholder and public engagement and consultation, with reference to Cabinet and the Cabinet Member for Environment and Transport. As the LTR was assigned with a designated £2m savings target against the MTFP, any further additional savings requirements would be undertaken as a new project or review. However, the Environment and Infrastructure Directorate will continue to review bus services and the level of expenditure as part of the council's business as usual in light of the requirement to have a sustainable budget.

CONSULTATION:

21. Unlike in previous years of the review, there are no proposed changes to local bus services, which therefore means that no public consultation is required.

RISK MANAGEMENT AND IMPLICATIONS:

22. The main risk identified in year 3 of the LTR was the concern that additional savings would be required on top of those specified within the MTFP, at the start of the LTR. Additional pressures have arisen over the course of the review, notably the decision of the bus operator Abellio to resign from a number of services. The outcome of this was reported to Cabinet on 27 June 2017.
23. Every effort has been made to continually monitor the financial situation faced by the County Council, both corporately and within the directorate. Continued dialogue with members and senior officers has aided this process. Any plans to achieve additional savings would be created with an appropriate level of stakeholder and member engagement.

Financial and Value for Money Implications

24. The LTR is an agreed MTFP savings programme which has a requirement to deliver £2m in savings at the end of this financial year. As shown in the table in paragraph 26, part-year savings of £0.759m in 2015/16, £1.023m in 2016/17 rising to a full year value of £1.043m by 2017/18 were achieved in

Phase 1 of the review. In Phase 2 of the review, part-year savings of £0.447m in 2016/17 were achieved, rising to a full year value of £0.723m by 2017/18.

25. Paragraphs 6 to 17 explain the detail of the proposed savings for 2017/18. If they are approved, the full annual savings will be **£0.276m** which will therefore mean that the MTFP target is slightly exceeded. This is summarised in the table below:

Method	Full Year Saving
Full realisation of a phased three year savings package agreed with the bus operator Metrobus at the beginning of the LTR	£0.062m
Termination of the contract for service 676 from Walton on the Hill to Therfield School	£0.028m
Contract price reduction as part of a revenue share agreement between SCC and Epsom Buses	£0.021m
Grant allocations for the Dial-a-Ride services being reduced by 10% for 2017/18	£0.040m
Reduction in payment to reimburse bus operators for ENCTS pass holder journeys and reduced pass usage	£0.075m
Income generation opportunities from S106 agreements for funding to support the local bus network in Elmbridge	£0.050m
Total	£0.276m

26. The table below shows how the LTR is set to exceed the £2m required savings target set out in the council's MTFP:

Annual Savings	2015/16	2016/17	2017/18
Phase 1 Savings	£0.759m	£1.023m	£1.043m
Phase 2 Savings	-	£0.447m	£0.723m
Phase 3 Savings	-	-	£0.276m
Total Savings	£0.759m	£1.470m	£2.042m
MTFP Target	£0.750	£1.265m	£2.000m
Difference	+£0.009m	+£0.205m	+£0.042m

Section 151 Officer Commentary

27. The County Council is facing a very serious financial situation, whereby there are still substantial savings to be identified and delivered to achieve a balanced budget in the current year and a sustainable budget plan for future years.

28. The Section 151 Officer can confirm that the measures outlined in this report will enable the Council to meet the savings requirement set out in the Medium Term Financial Plan.

Legal Implications – Monitoring Officer

29. Under Section 63(1)(a) of the Transport Act 1985, Local Transport Authorities must secure the provision of such public passenger transport services as the Council consider it appropriate to secure to meet any public transport requirements within the County which would not in their view be met apart from any action taken by them for that purpose.
30. For the purpose of providing such services, the Council has the power to enter into an agreement providing for service subsidies, but only where the service in question would not be provided, or would not be provided to a particular standard, without subsidy. The reference to a standard to which a service is provided includes (a) the frequency or timing of the service, (b) the days, or times of day, when the service is provided, or (c) the vehicles used to provide the service.
31. The Council also has the power to take any measures that appear to them to be appropriate for the purpose of or in connection with promoting:
- (a) the availability of public passenger transport services other than subsidised services and the operation of such services, in conjunction with each other and with any available subsidised services, so as to meet any public transport requirements the Council consider it appropriate to meet; or
 - (b) the convenience of the public (including persons who are elderly or disabled) in using all available public transport services (whether subsidised or not). In exercising this power, the Council has to have regard to a combination of economy, efficiency and effectiveness.
32. In exercising or performing any of the functions described above, the Council has to have regard to the transport needs of members of the public who are elderly or disabled.

Equalities and Diversity

33. An Equalities Impact Assessment (EIA) was completed in year 1 of the LTR and updated during year 2. This considered in detail the impact of the proposed changes to local bus services on Surrey residents and bus users, especially those with protected characteristics.
34. A review of the EIA was completed during year 3 and it was confirmed that no further update was required, as no extensive changes have been made to local bus services in this year of the LTR.

WHAT HAPPENS NEXT:

35. If the Cabinet Member for Environment and Transport approves the recommendations the next steps will be:

- Realise any remaining LTR savings
- Formally close the LTR and conduct an internal lessons learned exercise
- If the financial position of the council requires further additional savings to be made to the local bus budget, a new savings project or review will be undertaken

Contact Officer:

Paul Millin, Group Manager Travel & Transport, Tel: 020 8541 9365

Ashley Field, Project Consultant, Directorate Programme Group, Tel: 020 8213 2762

Consulted:

Strategic Director for Environment & Infrastructure

Head of Place Development

Group Manager, Travel & Transport

Key bus operators in Surrey

Annexes:

No annexes included

Sources/background papers:

- Surrey County Council Local Transport Review, Cabinet Paper, 24 May 2016
-

This page is intentionally left blank

SURREY COUNTY COUNCIL

CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT

DATE: 4 JULY 2017

LEAD OFFICER: TREVOR PUGH, STRATEGIC DIRECTOR FOR ENVIRONMENT AND INFRASTRUCTURE

SUBJECT: LICENCING OF THE SURREY HILLS TRADEMARK



SUMMARY OF ISSUE:

The Surrey Hills Area of Outstanding Natural Beauty (AONB) is a nationally designated landscape that stretches across rural Surrey. It includes some of the most beautiful and accessible countryside in South East England. The Surrey Hills AONB Board, a Joint Committee which oversees the management of the area, has developed a number of innovative ways to attract investment into Surrey's countryside. This includes developing a Surrey Hills brand which is protected through a Trademark. This report recommends extending the licence of the Trademark to Surrey Hills Enterprises and the Surrey Hills Society.

Surrey Hills Enterprises is a Community Interest Company (CIC) established in 2013 to help promote the brand for the benefit of rural Surrey and develop a range of commercial activities. The CIC is able to trade commercially but has to ensure that all its profits benefit the countryside and its community.

The Surrey Hills Society is a charity that was established as a legacy of the 50th anniversary of the AONB designation in 2008. It has grown in its membership and uses the Trademark to promote its activities that includes newsletters, walks, talks and fundraising events that help to deliver projects in the AONB Management Plan.

The Trademark ("Surrey Hills") is owned by Surrey County Council, on behalf of the Surrey Hills AONB Board, and therefore the Deed of Modification is required to extend the licence to enable Surrey Hills Enterprises and the Surrey Hills Society to develop the brand.

RECOMMENDATIONS:

It is recommended that:

1. The Surrey Hills Trademark licence is extended to both Surrey Hills Enterprises (Community Interest Company) and the Surrey Hills Society (charity) at no fee for three years with the intention of it being further extended following a review.
2. The final wording of the Trademark licence to be agreed by officers and signed off by the Cabinet Member for Environment and Transport.

REASON FOR RECOMMENDATIONS:

The Surrey Hills AONB Board and the County Council are keen to see the Surrey Hills Trademark developed into a significant brand for Surrey to support businesses in the County and to encourage visitors. Any surplus income generated will be used to deliver projects in the Surrey Hills area that support the landscape, access and the health and wellbeing of Surrey residents.

As both the Surrey Hills Society and Surrey Hills Enterprises are not for private profit and use any surplus funds for public good, it is not proposed to charge a fee for this extension of the Trademark. It is anticipated that the licence will be extended in future years following a review.

DETAILS:

Background

1. The Surrey Hills AONB is a nationally designated landscape with the equivalent landscape status to a National Park. The AONB stretches across the North Downs and Greensand Hills taking in some of the most iconic sites in the County, such as Box Hill and Newlands Corner.
2. The adoption of the AONB Management Plan for the Surrey Hills is a statutory duty on all first and second tier local authorities covering the AONB. Those authorities are Surrey County Council, Waverley Borough Council, Guildford Borough Council, Mole Valley District Council, Reigate and Banstead Borough Council and Tandridge District Council. These authorities are part of the Joint Committee that steers the work of the staff in the AONB Unit. The AONB unit is currently funded up to 75% of its core costs by Defra with the remainder coming from the local authorities. This funding is under considerable pressure and does not provide enough budget to cover the delivery of the AONB Management Plan. Delivery is supported through collaborative partnership working and by securing external funding.
3. Surrey County Council is the host authority for the Surrey Hills AONB Board and as such, has legal ownership of the Surrey Hills Trademark on behalf of that Board. The trademark is currently used by the AONB Unit and by the Surrey Hills Society as a means of identifying the link to the Surrey Hills AONB and to promote the area. The Surrey Hills Society is a membership charity established to raise awareness of the Surrey Hills through walks, talks and events via voluntary activities.
4. A number of options to exploit the benefit of owning the Trademark were discussed by the AONB Board and reported to the Cabinet in March 2013. It was agreed that locking the Surrey Hills Trademark, as a Community Asset, in a new Community Interest Company was the best way to attract investment and commercial skills to exploit the value of the brand to the benefit of Surrey residents.
5. Surrey Hills Enterprises was established as a Community Interest Company limited by shares which ensures that the company works for the interests of the community of the Surrey Hills and all the profit generated has to be used to benefit the Surrey Hills. There are currently two shares in the company, one held by The Birtley House Group Ltd. and the other held by Surrey County Council on behalf of the AONB Board.

6. The objectives of the company are to carry on activities which benefit the community and in particular (but without limitation):
 - a. To educate the public and raise awareness of natural beauty having regard to enhancing and conserving natural beauty, and respecting the individual landscape, character and habitats
 - b. To promote rural enterprise and regeneration
 - c. To develop an image and an identity for the Surrey Hills AONB, develop and support initiatives to encourage economic activity, and improve social or environmental well-being, within the Surrey Hills Community
7. The company is an independent company which allows it to trade freely and so it could develop the value of the Trademark. The Trademark has the potential to create a significant identity for this part of the County, particularly linked to activities in the countryside for local residents and visitors, services provided for visitors in the Surrey Hills and products produced in the Surrey Hills. The company would like to use the trademark commercially to develop it further and build on the existing profile of the brand.
8. In order to ensure that any risk linked to licensing the Trademark to the CIC is limited, the SCC Cabinet for Environment and Transport, and the Chairman of the AONB Board both sit as Directors on the CIC and the Trademark is monitored through the AONB Board.
9. Surrey Hills Enterprises is structured with the assumption it would get a licence to promote the Trademark as its 'Community Asset'. Over the first 3 years the income has principally been used to fund the running of the company. This has included organising the Surrey Cow Parade public art event in 2017, which raised about £100,000 for Surrey charities including £30,000 for the Surrey Hills Trust Fund which is held within the Community Foundation for Surrey. In future years it is expected to generate a surplus that can be invested in the Surrey Hills in line with the business plan.
10. The Surrey Hills Society is a charity that raises awareness of the Surrey Hills and uses the Trademark as its logo. The use of the trademark is non-profit making and has been used by the Society in accordance with the licence.

The Trademark Licence

11. The extension of the licence would:
 - a. Give the CIC non-exclusive rights to use the Trademark for commercial purposes, thus allowing the AONB Unit and the Surrey Hills Society, a charitable company, the right to use the Trademark as well for non-commercial purposes.
 - b. Give the CIC exclusive rights to use the Trademark for commercial purposes.
 - c. Allow the CIC to sub-licence the Trademark to other companies to use, subject to the CIC agreeing to constantly update the Council on

the identities of such sub-licensees and the fees payable by the sub-licensees to the CIC.

- d. Allow the charging of a fee by the CIC to sub-licensees to use the Trademark.
- e. Result in the Trademark being used in compliance with a set of criteria agreed by the Surrey Hills AONB Board
- f. Result in the licence being extended for 3 years with a review at the end of the third year to agree whether to extend it. This will allow the CIC to demonstrate their effectiveness in promoting the brand and distributing the profits.
- g. Result in no fee being charged by the County Council for the licence at this stage but the County Council reserves the right to charge on review

CONSULTATION:

- 12. Consultation has taken place with the Surrey Hills AONB Board and with the Chairman of the Board of Directors for Surrey Hills Enterprises CIC and the Chairman of the Surrey Hills Society.

RISK MANAGEMENT AND IMPLICATIONS:

- 13. The main risk is that the Trademark could be misused and result in loss of credibility in the Trademark and loss of reputation. This in turn would then have an adverse effect on the income of the CIC and therefore it is not in their interest to misuse the Trademark or allow it to be misused. The Licence does state that the Trademark has to be used in compliance with a set of criteria set out by the AONB Board.
- 14. In the event of anything untoward the licence can be terminated. The licence also gives the County Council the ability to charge a fee to the CIC for the licence. In addition there is a risk that the CIC may not have any income to invest in the Surrey Hills, because it is all used to cover running costs. In this instance the County Council has only licensed the Trademark for three years and therefore does not have to extend it.

Financial and Value for Money Implications

- 15. There is no direct cost to SCC for extending the licence. The Society and Enterprises CIC will generate investment that can be used to further promote the licence and invest in activities in the Surrey Hills that implement the Management Plan which has been adopted by Surrey County Council and the AONB borough and districts.
- 16. This arrangement will generate goodwill and increase the overall value of the Trademark that is owned by the County Council on behalf of the Surrey Hills AONB. This will allow a consideration of a charge to use the trademark at the next review.

Section 151 Officer Commentary

17. The County Council is facing a very serious financial situation whereby there are still substantial savings to be identified and delivered to achieve a balanced budget in the current year, and a sustainable budget plan for future years. Although the arrangements proposed in this report are not expected to result in additional financial costs or risks falling on the Council, neither have they been subject to market testing, and the S151 Officer is therefore unable to comment on whether the proposed arrangements represent value for money.

Legal Implications – Monitoring Officer

18. The Deed has been drafted with the direct input from Legal Services.

Equalities and Diversity

19. All businesses within the Surrey Hills territory will have the opportunity to use the Trademark if they fulfil the environmental and sustainability criteria.

WHAT HAPPENS NEXT:

- The Deed of Modification to extend the Trademark Licence Agreement will be finalised with the Surrey Hills Society and Surrey Hills Enterprises and signed in July 2017.
- Use of the licence will be monitored through the Surrey Hills AONB Board at its regular meetings

Contact Officer:

Rob Fairbanks, Surrey Hills AONB Director, 01372 220650

Consulted:

Surrey Hills AONB Board which includes the partners in the Surrey Hills AONB
Head of Legal and Democratic Services
Cabinet Member for Environment and Transport
Simon Whalley, Chairman of Directors of Surrey Hills Enterprises CIC
Christine Howard, Chairman of Surrey Hills Society

Annexes:

Annex 1 Final Draft of the Deed of Modification

Sources/background papers:

- Trademark Licence Agreement
- Report to Cabinet Member for Transport and Environment on 13 March 2013: Surrey Hills Trademark Licence Agreement,

This page is intentionally left blank

Dated day of 2017

SURREY COUNTY COUNCIL

and

SURREY HILLS ENTERPRISES C.I.C.

**DEED OF VARIATION
RELATING TO THE
Trademark Licence Agreement**



**Legal Services
County Hall
Penryhn Road
Kingston upon Thames KT1 2DN**

© Surrey County Council 2017

Ref.Legal/64203/MAK

1. In accordance with clause 13 of the Agreement, both Parties agree to extend the current arrangement by 3 years from 22 April 2016 to 22 April 2019 (“**the Extended Contract Period**”).
2. This Deed of Variation shall be subject to English law in all respects (including formation) and shall be construed and interpreted in accordance with English law and shall be subject to the jurisdiction of the Courts of England.

EXECUTED as a Deed by the Parties on the date which first appears in this instrument:

EXECUTED as a DEED by affixing the COMMON SEAL of SURREY COUNTY COUNCIL in the presence of and attested by:

Authorised Signatory

A. Company with a company seal

Executed as a deed by affixing the common seal of

The Common Seal of
[]
was hereunto affixed in the presence of:

.....
Director

.....
Director/Company Secretary

or

B. Company without company seal

1) EXECUTED as a Deed by)

[Name of Executing Company]
acting by [Name of First Director]

a director

and [Name of Second Director/ Company Secretary]

*Delete as appropriate

Second Director/Company Secretary

*Delete as appropriate

or

2) EXECUTED as a Deed by)

[Name of Executing Company]
acting by [Name of Director]

a director, in the presence of

Signature of witness:

Witness Name:

Witness Address:

Witness Occupation:

NB: A witness must be someone who knows the signatory but cannot be a partner, spouse or relative and must not be a member of SCC.