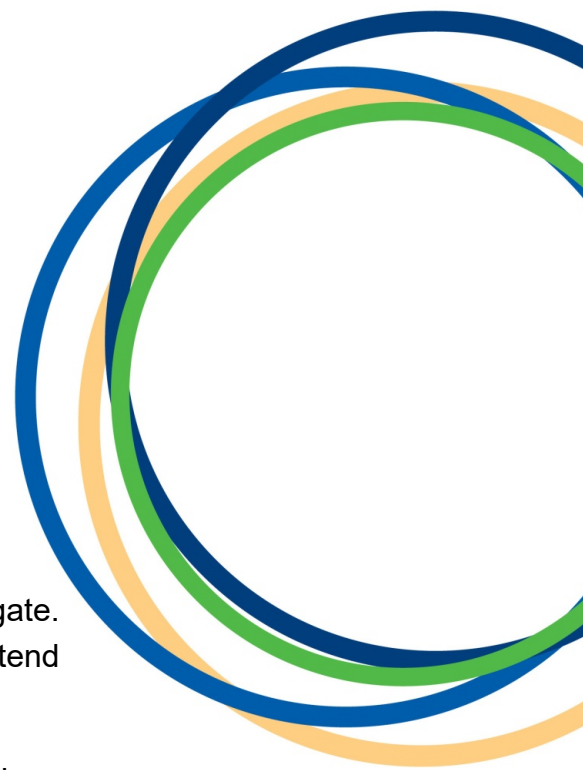


Agenda

Council



Thursday, 30 November 2023 at 7.30 pm

New Council Chamber, Town Hall, Reigate



Members will assemble at the Town Hall, Reigate. Members of the public and Officers may attend remotely.



Members of the public may observe the proceedings live on the Council's [website](#).

Members of Reigate and Banstead Borough Council are respectfully summoned to attend a meeting of the Borough Council on Thursday, 30 November 2023 at 7.30 pm.

Prior to the commencement of the meeting, prayers will be said by the Mayor's Chaplain

Mari Roberts-Wood
Managing Director

For enquiries regarding this agenda;

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Published 22 November 2023

Reigate & Banstead
BOROUGH COUNCIL
Banstead | Horley | Redhill | Reigate

- 1. Minutes** (Pages 5 - 12)
To sign the Minutes of the meeting of the Council held on 21 September 2023.
- 2. Apologies for absence**
To receive any apologies for absence.
- 3. Declarations of interest**
To receive any declarations of interest.
- 4. Urgent business**
To consider any urgent business.
- 5. Public questions** (Pages 13 - 14)
To consider any questions received from members of the public under Council Procedure Rule 2.14.
- 6. Petition: Save The Oriental in Merstham** (Pages 15 - 20)
To receive and consider a Petition regarding saving The Oriental in Merstham.
- 7. Questions by Members**
To consider any questions received from Members of the Council under Council Procedure Rule 2.15.
- 8. Statements**
To receive any statement from the Leader of the Council, Members of the Executive, Chairmen of Committees or the Managing Director.
- 9. Motion** (Pages 21 - 22)
A motion on Climate Change has been submitted. It will be proposed by Councillor Essex and seconded by Councillor Booton.
- 10. Council Tax Base 2024/25** (Pages 23 - 28)
For Council to approve a Council Tax Base for 2024/25 for the purpose of setting the Collection Fund Budget.
- 11. Appointment of an Independent Member to the Audit Committee** (Pages 29 - 34)

For Council to approve the appointment of an Independent Member to the Audit Committee as set out in Practical Guidance for Local Authorities 2018 by the Chartered Institute of Public Finance & Accountancy (CIPFA).

12. Leader's announcements

To receive any announcements by the Leader of the Council.

13. Mayor's announcements

To receive any announcements from the Mayor.



Our meetings

As we would all appreciate, our meetings will be conducted in a spirit of mutual respect and trust, working together for the benefit of our Community and the Council, and in accordance with our Member Code of Conduct. Courtesy will be shown to all those taking part.



Streaming of meetings

Meetings are broadcast live on the internet and are available to view online for six months. In attending any meeting, you are recognising that you may be filmed and consent to the live stream being broadcast online, and available for others to view.



Accessibility

The Council's agenda and minutes are provided in English. However, the Council also embraces its duty to anticipate the need to provide documents in different formats, such as audio, large print or in other languages. The Council will provide such formats where a need is identified prior to publication or on request.



Notice is given of the intention to hold any part of this meeting in private for consideration of any reports containing "exempt" information, which will be marked accordingly.

Minutes of a meeting of the **Council** held at the **New Council Chamber - Town Hall, Reigate** on **Thursday, 21 September 2023 at 7.30 pm.**

Present: Councillors E. Humphreys (Mayor) and R. Biggs (Leader); J. Baker (Deputy Mayor), V. H. Lewanski (Deputy Leader), G. Adamson, R. H. Ashford, H. Avery, M. S. Blacker, J. Booton, G. Buttironi, V. Chester, J. Dwight, M. Elbourne, J. C. S. Essex, K. Fairhurst, P. Harp, G. Hinton, J. Hudson, F. Kelly, S. Khan, A. King, S. A. Kulka, S. McKenna, R. Michalowski, N. C. Moses, C. M. Neame, R. Ritter, K. Sachdeva, M. Smith, M. Tary, C. Thompson, J. Thorne and S. T. Walsh

24 Minutes

RESOLVED that the Minutes of the Extraordinary and Full Council meetings held on 20 July 2023 be approved as a correct record and signed.

25 Apologies for absence

Apologies for absence were received from Councillors Bray, Chandler, Cooper, Green, Harper, Harrison, (James) King, Parnall, Proudfoot, Sinden, Stevens and Torra.

26 Declarations of interest

There were none.

27 Urgent business

There was none.

28 Petition: Re-open public conveniences in Reigate and Banstead Borough parks

The Lead Petitioner, Ms Rachel Wood, addressed Council:

- The petition called on the Council to make toilet provision available in Lady Neville Recreation Ground, Banstead Priory Park and Memorial Park. For those to be cleaned regularly and include baby change facilities and disabled access.
- A total of 568 signatories to the petition were received along with countless messages of support including those that detailed how the park was being used by members of the public to relieve themselves due to the lack of toilet facilities.
- The temporary toilets in Memorial and Priory Parks were acknowledged although photographs showed that they were overflowing.
- Toilet facilities remained unavailable in Lady Neville rec with the Council's suggestion of walking 10 minutes to the nearest toilet not feasible for small children and those with disabilities or medical conditions.

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Council, Thursday, 21st September, 2023

- The Council's reliance on private leases of park cafes was not an acceptable solution to the provision of public toilets. It was noted that the Council's use of short-term leases had made it impossible for cafes to remain open previously when the cost of living started to increase. Called for the provision of toilets to be separate from the provision of cafes to enable greater participation in the Borough's parks which would boost the local economy.
- Whilst there was no statutory obligation for Councils to provide public toilets, Section 1 of the Localism Act 2011, gave local authorities a general power to source innovative solutions to meet the needs of the community.
- It was suggested funding proper partitions of toilets in park cafes so that these could remain open when the cafes were closed or alternatively turning park cafes into community hubs.

Councillor (Andrew) King, the Portfolio Holder for Commercial & Community Assets, gave the response on behalf of the Executive:

- Thanks were given to the lead petitioner, Ms Rachel Wood, and other residents for their engagement through the petition.
- The call for the Council to open public toilets in Redhill Memorial Park and Lady Neville parks was rejected where these would be provided by privately leased cafes during trading hours.
- The provision at Priory Park would be operated by the Council.
- Horley recreation ground was operated by Horley Town Council and therefore was not part of the remit of Reigate & Banstead Borough Council.
- Temporary toilet provision was in place in Memorial and Priory Parks from late June 2023 onwards and would remain in place until the new tenants were in occupation. The costs of the provision were significant and were being offset by the income from the temporary mobile catering provision.
- Letting of the tenancies was progressing. All three park cafes had their heads of terms agreed and draft leases issued which would be subject to legal review. Programme plans were to be formulated.
- Against a backdrop of high energy costs and the difficulties of the hospitality sector, the Council had achieved a solid financial outcome from re-letting the park cafes which would also provide ongoing toilet facilities for residents over the longer-term.

Three Members had registered to speak on the petition. Councillor Essex supported the petition and called on the Council to operate the cafes if no private contractor could be found, ensuring that the toilets were made available to residents. Support for the petition was also provided by Councillor Harp who asked for toilets to be made available in Nork Park. Councillor Ritter also supported the petition. The link between toilets in parks and health and wellbeing objectives being achieved through social prescribing and getting out into nature was highlighted. Women needed toilets more than men and these were therefore also an issue of gender equality.

Councillor (Andrew) King, the Executive Member for Commercial & Community Assets, responded to the petition debate. He expressed sympathy for all the points raised but highlighted the balance to be struck between increasing services and the resulting financial burden. Toilets would be provided through private lease with temporary provision in place until this became available.

Councillor King proposed and Councillor Sachdeva seconded a motion to note the petition but to take no further action as a result. The motion was rejected by a vote of Members.

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Councillor Essex proposed and Councillor Ritter seconded a motion to support the petition as put. The motion was rejected by a vote of Members.

Councillor Biggs proposed and Councillor Avery seconded a motion to refer the petition to the Executive for its consideration.

RESOLVED: to refer the petition on public toilets in the Borough's parks to the Executive for consideration.

29 Questions by Members

Fourteen questions with notice were received from Members of the Council. One was from a Member who provided their apologies to the meeting and therefore were to receive a written response. One was additional. Oral responses were therefore received at the meeting to twelve questions with written responses provided to two questions in accordance with Procedure Rule 2.15.8.

Verbal responses were given at the meeting

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	Question by	To be answered by	Subject
1.	Councillor Ritter	Councillor Biggs, the Leader of the Council	Community Development Team
2.	Councillor Chester	Councillor Biggs, the Leader of the Council	Gatwick Airport Planning Application
3.	Councillor Smith	Councillor Ashford, Executive Member for Communities, Leisure & Culture	Anti-Social Behaviour in Redhill Town Centre
4.	Councillor Essex	Councillor Ashford, Executive Member for Communities, Leisure & Culture	Anti-Social Behaviour
5.	Councillor Khan	Councillor Ashford, Executive Member for Communities, Leisure & Culture	Community Transport Service
6.	Councillor Tary	Councillor Ashford, Executive Member for Communities, Leisure & Culture	Household Support Fund
7.	Councillor Sachdeva	Councillor Moses, the Executive Member for Environment & Sustainability	Woodlands at Wray Common
8.	Councillor Dwight	Councillor Lewanski, Deputy Leader and the Executive Member for Finance, Governance & Organisation	The Council's finances
9.	Councillor Booton	Councillor Lewanski, Deputy Leader and the Executive Member for Finance, Governance & Organisation	Voluntary and Community Sector Reserve Fund
10.	Councillor Fairhurst	Councillor Neame, Executive Member for Housing & Support	Temporary Accommodation
11.	Councillor Buttironi	Councillor Michalowski, Executive Member for Place, Planning & Regulatory Services	The Local Plan
12.	Councillor McKenna	Councillor Michalowski, Executive Member for Place, Planning & Regulatory Services	Section 106 Monies
Written responses were given after the meeting			
13.	Councillor Khan	Councillor Ashford, Executive Member for Communities, Leisure &	Merstham Mix

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		Culture	
14.	Councillor Sinden	Councillor Ashford, Executive Member for Communities, Leisure & Culture	Support for charities

Note: For more information on the response to Council questions, please see the following page on the Council's website:

<https://reigate-banstead.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13260>

30 Recommendations

30a Organisational Development & Human Resources Staffing Update

Councillor Lewanski, the Deputy Leader, Executive Member for Finance, Governance and Organisation, and Chair of the Employment Committee introduced the recommendations to Council noting the requirement in the Localism Act 2011 that Council approve an officer's exit costs where these were over £100,000. It was noted that these costs comprised gross statutory and contractual entitlements including redundancy pay and pay in-lieu of notice, annual leave and accrued time off. There were no discretionary payment being made.

RESOLVED: to agree that:

1. The employment of the Officer referenced in Annex 1 ends by redundancy (dismissal) on 22 September 2023 with notice to dismiss given on this date and employment terminated on this same date; and
2. Delegated authority to approve the final payment, when employer pension costs are confirmed, be granted to the Managing Director (Head of Paid Service) and Chief Finance Officer (Section 151 Officer) in consultation with the Deputy Leader and Executive Member for Finance, Governance and Organisation.

30b Treasury Management Strategy Outturn 2022/23

RESOLVED: to approve the Prudential and Treasury Management Indicators and the annual Treasury Outturn Report.

31 Statements

There were none.

32 Motions

32a Affordable Housing

The Motion on Affordable Housing was proposed by Councillor McKenna:

- It was being requested that the Council take action to meet the growing need for affordable housing which was not being met by the planning system and was contributing towards rising house prices.
- There were no active plans to spend the £30 million allocated in reserves for affordable housing. This excluded any Section 106 monies received from developers for affordable housing.

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- Called for an affordable housing delivery plan. This should include proposals for how publicly owned land could be used, possibly in partnership with others.

The motion was seconded by Councillor Essex who asked for what reason the motion was being referred to the Executive.

In accordance with Procedure Rule 2.17.3, the Mayor gave notice that the motion was going to be referred to the Executive for consideration, without any further debate taking place at the meeting. In response to Councillor Essex, the Mayor clarified that the Council's Constitution did not require that an explanation be given as to why the Motion was being referred to the Executive. However, it was explained that this was due to housing being a function of the Executive.

32b Article 4 Direction for Local Centres in Reigate and Banstead

The motion on an Article 4 Direction for Local Centres in Reigate and Banstead was proposed by Councillor Khan:

- The Council had made a Member endorsed response to the Department for Levelling Up, Housing and Communities which objected to the expansion of Permitted Development Rights as these were undermining economic and employment opportunities and the ability of local communities to shape the places they use and in which they live.
- Other Councils were applying an Article 4 Direction on their town centres to prohibit Permitted Development Rights, in effect removing the prior approval and requiring Planning approval.
- A lack of an Article 4 Direction in Reigate & Banstead meant that local shopping centres were at risk throughout the Borough.
- Called on the Council to go further and faster in order to specifically save the shopping parade in Merstham.

The motion was seconded by Councillor McKenna:

- Called on local centres to be protected for the benefit of the social economic health of the Borough and for a clear message to be sent that the Council was against the expansion of Permitted Development Rights.
- Highlighted the potential negative impact on environmental sustainability by forcing further journeys to out-of-town shopping centres.

In accordance with Procedure Rule 2.17.3, the Mayor gave notice that it was convenient and conducive to the conduct of business to allow the Motion to be addressed at the meeting.

Councillor Michalowski, the Executive Member for Place, Planning and Regulatory Services responded to the Motion on behalf of the Executive:

- Confirmed that the Council had consistently objected to the expansion of Permitted Development Rights which removed the authority's control of valued commercial units.
- Assurances had already been given that an Article 4 Direction would be considered to provide protection to the Borough's shops and local centres.
- However, an Article 4 Direction was not easily approved by the Secretary of State. It had therefore been advised to carefully consider the outcomes of a retail needs assessment to provide the evidence needed to justify taking this approach.
- Applying an Article 4 Direction without sufficient justification would not be value for money for residents. This was demonstrated by the fact that only a handful of local

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authorities had been successful in securing an Article 4 Direction, with none having been secured previously in Surrey.

- Procurement of a retail needs assessment had commenced as part of the development of the new Local Plan. It was intended to pursue an Article 4 Direction to add protection to the Borough's local and town centres.

One Member, Councillor Kelly, had registered to speak on the Motion:

- Recalled a local array of shops which had been slowly removed over the years. Although it was noted that landlords were acting lawfully.
- Called on Members to support the Motion.

In accordance with Procedure Rule 2.19.22, Councillor Biggs, the Leader of the Council, was given the opportunity to respond to the Motion:

- The Council would continue to refute Planning rules from Central Government that it thought not suitable.
- Officers were thanked for their work on pursuing an Article 4 Direction and putting in place a strong evidence base.
- Expressed thanks and support for Councillor Khan's motion.

RESOLVED: to support the Motion to

1. Bring forward the new 'Retail Needs Survey' required as part of its local plan to gather evidence to support this, as soon as is practicable, for the Council to identify where there is the potential for an Article 4 Direction over the four Town Centres and 27 Local Centres designated in the Development Management Plan (Policy RET 3) and to restrict Permitted Development Rights PDR in these key locations; and,
2. Subject to the outcome of the Retail Needs Survey, to then consult on a potential Article 4 Direction to add protection to our Town Centres and Local Centres.

33 Appointment of an Independent Remuneration Panel

The Managing Director introduced the item, informing Council that it was a requirement that an Independent Remuneration Panel be appointed.

Councillor Lewanski proposed and Councillor Biggs seconded the motion to appoint the members of the panel.

RESOLVED: to appoint Mr John Thompson MBE, Mrs Margaret Waller and Mrs Carmel Briody to the Independent Review Panel in accordance with the Local Government Act 2003 and the Local Authorities (Members Allowances) (England) Regulations 2003 to report and make recommendations on Members' Allowances.

34 Constitution update: Executive Members on Planning

Councillor Michalowski moved the motion to allow Executive Members to sit on the Planning Committee. It was noted that the proposed update to the Constitution struck a balance between managing conflicts of interest proportionately and enabling a greater freedom for the allocation of seats to committees.

Councillor Walsh seconded the motion.

RESOLVED: That the constitution be amended to allow Executive Members to sit on the Planning Committee, excluding –

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- (i.) The Leader of the Council;
- (ii.) The Executive Member with responsibility for Planning Policy; and,
- (iii.) Executive Members appointed to any committee, sub-committee, or position with responsibility either: a. To consider and take decisions with regard to the potential establishment of commercial ventures and the undertaking of other investment activities by the Council; or, b. To exercise the function of the Council as a shareholder or partner, in relation to companies, partnerships or other commercial entities owned or part owned by the Council.

35 Leader's announcements

The Leader thanked the Paul Danbury, the Mayor's Chauffeur and Support Officer, for his work supporting the Council's Heritage Day.

36 Mayor's announcements

All those who were involved in Run Reigate, the Caves Open Day, Heritage Open Day and Pride in Surrey were thanked for making them such successful events. The Borough had made a gift of a scroll to His Majesty, King Charles III, on the occasion of his accession to the throne. The Reigate & Banstead Volunteer Awards were anticipated along with the upcoming Remembrance Day services in Horley, Redhill and Banstead. The Mayor highlighted a forthcoming fundraising event on Friday 24 November 2023. Councillors were encouraged to participate in events, especially those held in their wards.

37 Exempt Business

There was none.

The meeting finished at 9.53 pm

Reigate & Banstead Borough Council

Meeting of Council 30 November 2023

Public Questions

Number	Question by	To be answered by	Subject
2	Mr Christopher Whinney	Cllr Moses, Executive Member for Environment & Sustainability	Retrofitting local housing stock

Agenda Item 5

Mr Christopher Whinney asked the **Executive Member for Environment & Sustainability, Councillor Moses** the following question:

Question: Retrofitting local housing stock

I understand that to fully retrofit a dwelling costs up to £30,000 but some aspects may be given priority, such as loft insulation and LED lighting. The Council does and continues to have the opportunity to request funds from Central Government to retrofit the local Housing Stock. What funds were received in the last financial year and many houses so fitted, the same for this year and what is the intention to seek and achieve next financial year?



Signed off by	Head of Planning
Author	Andrew Benson, Head of Planning
Telephone	Tel: 01737 276175
Email	Andrew.Benson@reigate-banstead.gov.uk
To	Council
Date	Thursday, 30 November 2023
Executive Member	Portfolio Holder for Place, Planning and Regulatory Services

Key Decision Required	N
Wards Affected	Hooley, Merstham and Netherne;

Subject	Petition: Save The Oriental in Merstham
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Recommendations
(i) That Full Council considers the petition received seeking to save The Oriental takeaway and restore other shops in the Nutfield Road parade, Merstham.
Executive Summary
Under the Council's Petition Scheme, any petition with more than 400 signatures is referred to the Council for debate. The Council has received an online petition of 245 signatures and a paper version with 437 signatures calling on the council to '...do everything that they can to retain this takeaway and restore this parade of shops, including to engage with the landlord to seek agreement to save this remaining business, and retain this important local centre'.

Statutory Powers
1. The Localism Act 2011 revoked requirements placed on Councils in relation to petitions, however, Reigate & Banstead Borough Council made the decision to retain its then existing Petition Scheme.

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2. The Council's current Petition Scheme, dated 13 March 2019, sets out how the Council will respond to petitions, and the type of response the Council will provide, based on the number of signatories to the petition.

3. The table below summarises the Council's approach:

Number of signatories	Response
Less than 20	Response from Officer (treated as standard correspondence)
20-199	Response from the relevant Member of the Executive
At least 200	Referred to the Executive
At least 400	Debated at a meeting of the Full Council

4. Procedure Rules 2, 3, and 4 in the Constitution require adherence to the Petition Scheme.

Key Information

The Petition

1. The petition calls for *"We the undersigned petition the council to acknowledge that The Oriental takeaway, on Nutfield Road, has been serving people in Merstham for 23 years. We understand that a single landlord owns the whole parade on this side of Nutfield Road. We oppose the process that has led to all the rest of the shops in this parade being lost and oppose the proposed loss of this takeaway. We believe that these shops should be retained for the benefit of the community with affordable rents and favourable terms as commercial units. We call upon Executive Member for Place, Planning and Regulatory Services, Cllr Michalowski, with support from the Planning Policy Team to do everything that they can to retain this takeaway and restore this parade of shops, including to engage with the landlord to seek agreement to save this remaining business, and retain this important local centre."*
2. The takeaway in question is The Oriental which is 52 Nutfield Road, Merstham within a designated local shopping parade.
3. The takeaway is still open and operating (at the time of this report being written) but is part of a parade which has seen retail tenants vacate and the units can subsequently gain prior approval for their conversion to residential use.

Background to Council control over evictions or changes of use

4. The takeaway is, like the remainder of this parade, understood to be owned by a landlord who has historically rented the units out for retail or commercial use. This landlord is understood to have served notice of eviction on the of the retail/commercial tenants to pursue the change of use of the units to residential use.
5. The Council has no legal or other powers to intervene in such evictions.
6. A number of 'prior approval' applications have been made subsequent to the retail units in the parade being vacated to convert them to residential use, under Class MA of the General Permitted Development Order.

7. Class MA came into force in August 2021, despite robust objection from the Council to the Government Consultation proposing it. Class MA allows for Use Class E units to be converted to residential subject to various criteria, including that:

- The unit has been vacant for three months or more;
- The building has been in Class E use for the past two years or more;
- The floorspace of the unit does not exceed 1500 square metres;
- The building is not listed (or similarly categorised);
- The building is not in an AONB, National Park etc;
- If the site is operated under an agricultural tenancy;

If the above criteria are met then the process moves to a prior approval assessment requiring the following impacts to be considered:

- Transport;
- Contamination;
- Flooding;
- Noise
- Adequacy of natural light; and
- The impact of potential industrial uses in the surrounding area.

8. The Council, as local planning authority, must determine applications for prior approval under Class MA against the above criteria and make an assessment against the impacts listed.

9. If the criteria are met (under the first set of bullets) and there are no significant or harmful impacts when assessed against the second set of bullets, then prior approval must be granted by the local planning authority to enable the change of use to proceed.

10. Unlike previous prior approval regimes or planning applications, there is no power for the local planning authority to consider the desirability of the proposal or its impact upon local shopping needs, convenience or the impacts upon the viability, vitality or sustainability of the shopping area, and it is instead a rudimentary assessment process.

11. On the above basis prior approval has been obtained to convert the neighbouring retail uses to residential after the premises had been vacated.

Considerations for The Oriental

12. The Council has no power to intervene in private property matters which are subject to civil law but outside Council control. The cessation of the tenancy or eviction of the tenants is not therefore something that the Council can control or prevent.

13. Similarly the Council has no formal power to engage with the landlord in an attempt to persuade them to agree to save the takeaway. However, neither is there anything preventing any person or party from doing so.

14. There is not yet any planning or prior approval application relating to the takeaway. If there were, this would be under Class M of the Permitted Development Order (as a *sui generis* hot-food takeaway rather than retail unit) although the impact

Agenda Item 6

assessment that would be undertaken if such an application were to be submitted is substantially the same as the one that would be undertaken under Class MA (above).

15. The Council, as local planning authority, could not predetermine the outcome of any application that may be made and would need to make a determination solely against the permitted development/prior approval criteria applicable.
16. Local planning authorities can remove permitted development rights through Article 4 Directions and the Executive recently agreed a motion to consider making such a direction, pending the gathering of evidence to assess whether such a direction would be justified, including the conclusions of the Retail Needs Assessment recently instructed and due in Feb/March 2024. The timeframe for such Directions to take effect is typically between one and two years however, and any Direction made before the necessary evidence has been gathered would make the Council liable to pay compensation to the landlord of potentially hundreds of thousands of pounds or more for loss of value to the property.

Options

17. The Petition Scheme provides that Council will decide how to respond to the petition at this meeting. The options for the Council in relation to the petition are:
18. Option 1: To refer the petition to the Executive or Executive decision maker for consideration;
19. Option 2: To support the action requested on the petition; or
20. Option 3: To note the request of the petitioners and take no further action.

Legal Implications

21. There are no legal implications associated with Options 1 and 3. However, as there is no legal power available to the Council to enable it intervene in any potential eviction, Option 2 may be *ultra vires*.

Financial Implications

22. There would be financial implications for the Council were it to agree to Option 2 and undertake any of the following:
 - Any pre-determination of a potential planning application or a potential application for prior approval (through defence of High Court challenge)
 - Refusal of such an application on unsustainable planning grounds (through appeal costs); and
 - Issuance of an immediate Article 4 Direction removing permitted development rights (through compensation payable to the landlord for any loss of value to the relevant property)

Equalities Implications

23. The Council has a statutory duty to consider and demonstrate equalities implications in all of its decisions.

24. There are no equalities implications associated with the proposal.

Communication Implications

25. The Communications team have responded to a number of enquiries and social media posts regarding this takeaway and parade and will continue to respond to future posts or enquiries.

26. There are no additional communications implications relating to the options arising from this petition.

Environmental Sustainability Implications

27. The Council is committed to taking action to address environmental sustainability and climate change issues. However none of the options present any environmental sustainability implications.

Risk Management Considerations

28. There are no additional risk management considerations relating to the options arising from this petition.

Policy Framework

29. The Policy Framework relating to the petition is covered in paragraphs 1 and 2.

30. Consideration of any future application for planning permission would be against policies in the Core Strategy and Development Management Plan

31. Consideration of any permitted development/prior approval application would be against the provisions of the General Permitted Development Order 2015 (as amended).

Background Powers

1. Save the Oriental in Merstham petition - <https://reigate-banstead.moderngov.co.uk/mgEPetitionDisplay.aspx?ID=59&RPID=3614913&HPIID=3614913>

2. Council petition scheme: <https://reigate-banstead.moderngov.co.uk/documents/s4086/Petitions%20Scheme.pdf>

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Motion: Climate Change

Proposer: Councillor Essex

Seconder: Councillor Booton

For Council to resolve:

There is a growing gap between the climate science and political commitments to deliver against those commitments by governments at all levels, such as reflected in the UK government's Climate Change Committee progress report to parliament (June 2023) and the UNFCCC report on National Climate Plans (November 2023). This gap is reflected in the need to deliver against climate targets by the UK government, as well as here in Reigate and Banstead.

One example of how government decisions affect carbon emissions locally is the Government's role to decide upon the national planning application for the Northern runway at Gatwick Airport, whose increase in carbon emissions far exceeds that within the borough of Reigate and Banstead.

Reigate and Banstead Borough Council is currently updating its Environmental Sustainability Strategy, produced in 2020.

All of the neighbour authorities to Reigate and Banstead (Croydon, Sutton, Tandridge, Epsom & Ewell, Mole Valley and Crawley) and Surrey County Council have declared a Climate Emergency but this council still has not.

Surrey County Council produced its Climate Change Strategy in 2020 and is now designated as the lead local authority for action on climate change in Surrey.

The Climate and Ecology Bill was introduced in the House of Commons on 10 May 2023. The Bill is backed by 180 cross-party MPs and Peers, 237 local councils including Epsom & Ewell, Elmbridge, Mole Valley and Surrey Heath. The Climate and Ecology Bill would require the UK Government to develop and achieve a new environmental strategy, which would include:

- Delivering a joined-up environmental plan, as the crises in climate and nature are deeply intertwined, and require a plan that considers both together;
- Reducing greenhouse gas emissions in line with 1.5°C to ensure emissions are reduced in line with the best chance of meeting the UK's Paris Agreement obligations;
- Not only halting, but also reversing the decline in nature, setting nature measurably on the path to recovery by 2030;
- Taking responsibility for our overseas footprint, both emissions and ecological;
- Prioritising nature in decision-making, and ending fossil fuel production and imports as rapidly as possible;

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- Providing for re-training for those people currently working in fossil fuel industries; and
- Giving the British people a say in finding a fair way forward via a temporary, independent and representative Climate & Nature Assembly, as part of creating consensus and ensuring that no one and no community is left behind.

Britain has a chance to be a world leader on climate and the environment; seizing the opportunities of the clean energy transition, including green jobs and skills; reduced energy bills, and boosting the UK's food and energy security.

References:

1. 2023 Progress Report to Parliament (CCC, June 2023)
<https://www.theccc.org.uk/publication/2023-progress-report-to-parliament/>
2. New Analysis of National Climate Plans: Insufficient Progress Made, COP28 Must Set Stage for Immediate Action (UNFCCC, 14 November 2023)
<https://unfccc.int/news/new-analysis-of-national-climate-plans-insufficient-progress-made-cop28-must-set-stage-for-immediate>
3. Environmental and Sustainability Strategy (Reigate and Banstead Borough Council, 2020) https://www.reigate-banstead.gov.uk/downloads/download/2064/environmental_sustainability_strategy_2020
4. Surrey Climate Change Strategy (Surrey County Council, 2020)
<https://www.surreycc.gov.uk/community/climate-change/what-are-we-doing/climate-change-strategy/2020>

This Council therefore resolves to:

1. Declare a Climate Emergency itself and reflect this in the update of its Environmental Sustainability Strategy.
2. Fully endorse the Surrey Climate Strategy and associated Local Transport Plan in its update of its own Environmental Sustainability Strategy
3. Join the 237 other councils who have resolved to support the Climate and Ecology Bill and write to the organisers of the cross-party campaign for this bill, expressing Reigate and Banstead Borough Council's support.
4. Write to the MPs with constituencies in our borough council area, informing them that this motion has been passed, and urging them to sign up to support the Climate and Ecology Bill.



Signed off by	Chief Finance Officer
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To	Council
Date	30 November 2023
Executive Member	Deputy Leader & Portfolio Holder for Finance and Governance

Key Decision Required	Y
Wards Affected	(All Wards);

Subject	5
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<p>Recommendations</p> <ul style="list-style-type: none"> (i) That Council approve a Council Tax Base for 2024/25 for the purpose of setting the Collection Fund budget of 64,252.3 Band D equivalents, this being a net increase in the Tax Base compared to 2023/24 of 1.19%; (ii) That Council delegate authority to the Chief Finance Officer in consultation with the Deputy Leader & Portfolio Holder for Finance & Governance to make further adjustments to the final Tax Base where necessary to reflect any changes in the underlying assumptions and report the outcome to Executive in January.
<p>Reasons for Recommendations</p> <p>The Tax Base has to be determined for the following financial year before 31 January each year and reported to the Department for Levelling Up, Housing & Communities and precepting authorities. This is in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992.</p>

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The Council's Constitution requires that the Council Tax Base is approved by the Full Council

Executive Summary

The Council Tax Base is the measure of the relative taxable capacity of each of the three separate tax-raising areas of the Borough:

- Reigate & Banstead Borough as a whole;
- the Horley Town Council area; and
- the Salfords & Sidlow Parish Council area.

It becomes the basis for council tax setting for all precepting authorities including the County Council and Police & Crime Commissioner.

The number of dwellings in each area which are in the valuation list at 12 September was submitted to the Department for Levelling Up, Housing & Communities (DLUHC) in October. This has then been adjusted according to local knowledge to become the Tax Base for council tax setting purposes for the next financial year.

The recommendation is that the Band D equivalent Tax Base be adopted for each area as follows:

Area / Town / Parish	Band D 2022/23	Band D 2023/24	% Change
Reigate & Banstead Borough Council	63,495.31	64,252.30	1.19%
Horley Town Council	10,991.72	11,186.20	1.77%
Salfords and Sidlow Parish Council	1,443.97	1,453.70	0.67%

Council has authority to approve the recommendations.

Statutory Powers

1. Section 67 of *The Local Government Finance Act 1992* (as amended by Section 84 of the *Local Government Act 2003*) requires a local authority to determine its Council Tax Base for the following financial year before 31 January each year.

Background

2. The Council Tax Base comprises:
 - a. the total number of dwellings expected to be in occupancy during the financial year at their relevant bandings A-H;
 - b. less expected reliefs e.g., single person discounts and disabled reliefs;
 - c. add premiums e.g., empty home premium; and
 - d. less expected Council Tax Support.

Expressed as units of the Band D Council Tax.

3. Individual dwellings are placed in bands by the Valuation Office Agency from A to H according to their relative market value. The Council is notified of those bandings as each property is added to the listing.
4. The council tax charged to occupants of those dwellings is then increased or decreased proportionately according to the following ratios:

Band	Ratio
A	6/9
B	7/9
C	8/9
D	9/9
E	11/9
F	13/9
G	15/9
H	18/9

5. The status of council tax billpayers themselves can then mean that the council tax bill is reduced according to their circumstances, and the reliefs they may be able to claim, as well as eligibility for the Local Council Tax Support Scheme.
6. Reigate and Banstead Borough Council is both a Billing Authority and a Collecting Authority for council tax.
7. As Billing Authority, it uses the Tax Base to set a Council Tax requirement and the level of Band D Council Tax for this borough.
8. The Tax Base is used to support other authorities in one of two ways:
 - Major preceptors such as the County Council and Police & Crime Commissioner include this Tax Base within their Tax Base as a whole to calculate their overall Council Tax Requirement; and

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- Town and Parish Councils set a precept based on their element of the total Council Tax Base.

9. As a Collecting Authority, Reigate and Banstead collects council tax for all preceptors and distributes these funds to them according to an agreed timetable during the year.
10. At the end of the financial year Reigate and Banstead calculates the surplus or deficit on the Council Tax Collection Fund for the year, being the difference between the Band D average Tax Base x Band D Council Tax and the amount actually collected in year. The relevant proportion of any surplus or deficit then becomes a call on the General Fund for the precepting authorities in the following financial year. It is therefore important to set a reasonable estimate for the Council Tax Base to support sound financial planning for the precepting authorities.

Key Information

Calculations

11. The 11 September 2023 Tax Base has been adjusted for:
 - Estimates of the number of taxpayers likely to receive Local Council Tax Support; and
 - Estimates of the collectability of council tax due during the year.
12. The assumptions supporting the 2024/25 Tax Base forecasts are:
 - That Local Council Tax Support for pensioners will be stable across the period; and
 - The collectability and non-payment adjustment will be at 0.28% of the Tax Base.

Table 1 – DETAILED TAX BASE FORECAST	Reigate & Banstead Borough	Horley	Salfords and Sidlow
Tax Base at 11 September 2023	67,590.9	11,893.7	1,493.8
Less: Local Council Tax Support Claims	(3,446.1)	(697.2)	(47.2)
Plus: Growth – New Homes	287.9	21.1	11.2
Gross Tax Base	64,432.7	11,217.6	1,457.8
Less: Non-Collection allowance	(180.4)	(31.4)	(4.1)
Tax Base for Budgeting	64,252.3	11,186.2	1,453.7

13. The 2024/25 Tax Base compares to 2023/24 as follows:

Table 2 – COMPARISON WITH PRIOR YEAR TAX BASE	2023/24	2024/25	Movement
Tax Base as at 11 September	67,019.80	67,590.90	571.10
Less: Local Council Tax Support Claims	(3,541.92)	(3,446.10)	95.82
Plus: Growth - New Homes	205.67	287.90	82.23
Gross Tax Base	63,683.54	64,432.70	749.16
Less: Non-Collection allowance	(188.23)	(180.40)	7.83
Tax Base for Budgeting	63,495.31	64,252.30	756.99

Options

14. The methodology for setting the Council Tax Base must be robust and estimates must be based on reasonable assumptions. These are explained above.

Option 1: Council can approve the recommended Council Tax Base for 2024/25 for the purpose of setting the Collection Fund budget. This is the recommended option.

Option 2: Council can reject the recommended Council Tax Base for 2024/25 for the purpose of setting the Collection Fund budget and/or request additional information. This is not recommended because it would place the authority and preceptors at risk of failing to meet statutory deadline of 31 January for approving the 2024/25 council Tax Base.

Legal Implications

15. The calculation of the Tax Base must be in accordance with Regulation 4 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992.

Financial Implications

16. Determining the Council Tax Base is a fundamental part of the Council's budget setting process. The Tax Base is central in determining the amount of Council Tax income that will be raised, representing a significant proportion of the Council's revenue resources for the coming financial year.

Equalities Implications

17. There are no specific equalities implications arising from this report.

Environmental Sustainability Implications

18. There are no specific environmental sustainability implications arising from this report

Communication Implications

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19. There are no specific communications implications arising from this report
Risk Management Considerations
20. There are no specific risk management implications arising from this report
Consultation
21. There is no consultation requirement associated with the recommendations in this report. The approach to annual budget consultation is set out in the Service & Financial planning report to Executive each autumn.
Policy Framework
22. The Corporate Plan includes the priority 'be a financially self-sustaining Council'. The decision on the level of council tax each year is taken as part of the annual budget-setting process.
Background Papers
None



Signed off by	Monitoring Officer
Author	Liane Dell, Democratic Services Officer
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To	Council
Date	Thursday, 30 November 2023
Lead Members	Chair of the Audit Committee; and Deputy Leader & Portfolio Holder for Finance, Governance and Organisation

Key Decision Required	No
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Subject	Appointment of an Independent Member to the Audit Committee
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Recommendations
<p>That the following applicant be appointed as Independent Member to the Audit Committee for a term of office of four years, subject to an annual review:</p> <ul style="list-style-type: none"> • Mr Tommy Hyun.
Reasons for Recommendations
<p>The appointment of an Independent Member will provide increased skills and experience and confidence that the Audit Committee continues to follow best practice, as set out by the Chartered Institute of Public Finance & Accountancy (CIPFA) in their Practical Guidance for Local Authorities 2018.</p>
Executive Summary
<p>The appointment of an Independent Member with appropriate skills and experience to supplement those of the elected Members will help enhance the effectiveness of the Audit Committee.</p> <p>A recruitment process was undertaken in September 2023, during which shortlisting and interviews were conducted by the Managing Director, Chief Finance Officer, the Chair of the Audit Committee and the Deputy Leader and Executive Member for Finance, Governance and Organisation.</p>

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The Council is therefore recommended to approve the appointment of Mr Tommy Hyun for a four-year term, subject to an annual review. Further details about Mr Hyun's experience and background are provided within Annex 1 to this report.

The Independent Member is required to participate in the training provided to all Audit Committee members.

The above recommendations are subject to approval by Full Council.

Statutory Powers

1. The functions of the Audit Committee are set out in the Council's Constitution, in line with the Local Government Act 2000 as amended by the Localism Act 2011 and the Local Audit and Accountability Act 2014 and the Local Audit and Accounts Regulation 2015.

Background

2. The Council wishes to follow CIPFA best practice, which advises that the Audit Committee should appoint an Independent Member.
3. An Independent Member was previously appointed at Full Council on 23 September 2021; they resigned from the role on 27 February 2023.
4. An advertisement to recruit a new Independent Member was published in summer 2023 and three candidates were shortlisted for interview.
5. Following the interviews Mr Tommy Hyun was offered the position, pending approval by Full Council.

Key Information

Role description

6. The Independent Member is expected to:
 - (i) To monitor the effective development and operation of risk management and corporate governance in the Council.
 - (ii) To monitor the anti-fraud strategy and policies, actions and resources.
 - (iii) To review the Council's Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances.
 - (iv) To approve the risk-based internal audit plan.
 - (v) To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
 - (vi) To review and approve the annual statement of accounts.

Person specification

7. The essential qualities for candidates are that they:

- (i) Have experience of working in a medium / large organisation at a senior level or have experience which demonstrates equivalent capabilities.
- (ii) Have experience of how local government operates. For example, through being an employee, advisor, auditor, partner or equivalent.
- (iii) Accountancy, audit and/or risk management experience is essential.
- (iv) Have the ability to understand the financial statements of the authority and the external auditor's reports.
- (v) To be able to understand complex governance and probity matters and be aware of the importance of accountability and probity in public life.
- (vi) To can analyse and question written and verbal reports on audit and risk management activities.
- (vii) Have a strong understanding of the need for independence of audit from daily management responsibilities.
- (viii) They must agree to abide by the provisions of the Members' Code of Conduct while serving on the Committee.

Recruitment process

- 8. The Independent Member is recruited by public advertisement and should be of good standing in the community.
- 9. The recruitment Panel sought candidates with proven accountancy and audit/risk management experience and a good understanding of complex governance/probity matters in a local government context.
- 10. To maintain independence, political appointments and appointments which are made through friendship or any other personal association of any members of the council must be avoided in making this appointment.
- 11. Following public advertisement throughout August 2023, interviews were held during the week commencing 18 September and Mr Tommy Hyun was considered suitable for recommendation for appointment by Full Council.
- 12. Further details about Mr Hyun's experience and background are provided within Annex 1 to this report.

Options

- 13. **Option 1 (recommended)** – to appoint Mr Tommy Hyun. This candidate is considered by the appointing Panel to have the necessary experience to perform the role effectively.
- 14. **Option 2 (not recommended)** – to not appoint Mr Tommy Hyun as the Independent Member to the Audit Committee. This is not recommended, as Mr Hyun was selected following a robust recruitment process. Rejection of his appointment would require a

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further section process to be undertaken and delay bringing on board an Independent Member with the required experience to the Committee .

Legal Implications

15. The terms of reference of the Council's Audit Committee are set out under Part 3a (Council functions) of the Council's Constitution and its purpose is to give assurance to elected members and the public about the governance, financial reporting and performance of the Council.
16. The appointment of the Independent Member on the committee will assist and promote good governance and scrutiny of the committee.

Financial Implications

17. A fee of £690 per annum will be paid to the Independent Member of the Audit Committee per annum, inclusive of travel costs when on Council business both inside and outside the borough.
18. The fee for the Independent Member is funded from the Members Allowances budget. There is sufficient funding within the budget for these costs.

Risk implications

19. Although legislation does not require audit committees, a council is required "to ensure that its financial management is adequate and effective and that it has a sound system of internal control which facilitates the effective exercise of its functions".
20. Further, section 151 of the Local Government Act 1972 requires the council to "make arrangements for the proper administration of its financial affairs".
21. CIPFA guidance recommends appointing an Independent Member to sit on the Audit Committee, to provide Independent challenge to, and assurance over, the Authority's internal control framework and wider governance processes. An independent expert is therefore expected to contribute positively to the financial risk management arrangements of the local authority.

Consultation

22. The Managing Director, Chief Officer, Chair of the Audit Committee and the Deputy Leader and Executive Member for Finance, Governance and Organisation were consulted during the review of the job description and person specification.

Background Papers

There are no background papers to consider.