

**Reigate and Banstead Borough Council**  
**Meeting of Council 10 February 2022**  
**Questions by Members**

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Q1.

**Question from Councillor Ritter to Executive Member for Community Partnerships, Councillor Ashford**

**Question**

Previous councillors in the Earlswood and Whitebushes ward campaigned long and hard for a Community Development Worker to cover Whitebushes area because of the social needs of the area and one staff member was appointed in 2019 to cover the Woodhatch and Whitebushes areas.

Could the Executive Member responsible for Community Development please provide the rationale for not recruiting a replacement for this post now that the previous post-holder has moved on? Are the needs of this area now considered less important and how will the support that was so welcomed now be delivered?

**Response:**

Thank you, Cllr Torra, on behalf of Cllr Ritter. Reigate and Banstead Borough Council has been actively involved in community development for over 15 years. In fact, compared to many councils across Surrey and indeed the country we've been very much at the forefront of community development. In 2019 I attended a seminar with representatives from councils and voluntary sector organisations from across Surrey and the key message I took away that day was how this Council is leading the way with our community development programme. But the pandemic has brought with it fast-moving changes in attitudes and priorities and we're now finding both the County Council and health services are increasingly looking to also engage with communities. Our Community Development Team has the knowledge the relationships and local connections to support this.

When the Woodhatch and Whitebushes Community Development worker left in December we could have simply employed someone new and continued on a tried and tested community development path as we have for the last 15 years, however I believe by taking a step back and refreshing our thinking around community development we have an opportunity to work even closer without County and NHS partners which I believe will lead to better outcomes for our communities.

I'd like to reassure Councillor Ritter and of course Councillor Torra that our Community Development Team is sustaining all existing project commitments in Woodhatch and Whitebushes over the short term and I've already begun discussions with my officers to review and refresh our community development offer right across our focus areas which of course includes Woodhatch and Whitebushes.

**Q2.**

**Question from Councillor Booton to Executive Member for Corporate Policy and Resources, Councillor Lewanski**

**Question**

The Council Climate Plan 2021 Scorecards\* were recently published with this council scoring 64% against a national average of 43%.

This council should be proud of its achievement, and I hope will share the feeling that we should not be complacent as more can also be done.

Somerset West & Taunton topped the league table at an impressive 92% and closer to home Waverley and Woking scored 76% and 70% respectively.

Will this council kindly commit to appointing someone to build upon our success, by performing a look-across exercise to see what other councils are doing, in a bid to help improve our position for 2022 and to support our Sustainability Strategy?

**Response:**

The Council is committed to tackling climate change and reducing our environmental impact. Our Environmental Sustainability Strategy and Action Plan, agreed in 2020, sets out how we will do this; and we presented our first annual progress report to the Executive last November.

The Council currently has 2 sustainability officers whose job it is to facilitate the roll out of the Strategy and its Action Plan.

Part of their role is to work closely with other councils in the county, and to look to case studies and best practice across (and beyond) the UK. We will continue to do this as we develop our activity in this area.

The Climate Plan Scorecards referred to have been published by the campaign group Climate Emergency UK. While we have raised some concerns with the methodology employed by Climate Emergency UK, we note that their assessment places us within the top 10 percentile of district councils in the country.

**Supplementary Question**

That's great to hear that we have two officers who are working closely with other councils, glad to hear that. Could I get a commitment that we would be working with Waverley and Woking councils specifically as in this particular score they scored higher than Reigate and Banstead so they must be doing something right?

**Supplementary Answer**

It's important to note that these scores are solely based on what is contained within the Environmental Sustainability Strategies within different authorities and not what has been delivered.

For example, we could have an Environmental Sustainability Strategy in this Council where we could state that the council provides every single resident in this whole Borough with an electric vehicle. This is not feasible to do because it places such a high reliance on the taxpayer.

We as a Council have always been very careful to ensure that we have plans and strategies in place that are robust, can actually be delivered and provide value for money for our hardworking residents.

I firmly believe that every penny of our residents' money is spent and accounted for when providing services. I hope that Councillor Booton realises that there is nothing worse than promising our residents anything purely just for the sake of an election and for election purposes and then failing to deliver and any of those promises.

**Q3.**

**Question from Councillor Chandler to Executive Member for Housing and Support, Councillor Neame**

**Question:**

Can the Executive Member for Housing please provide an update on the progress made in the resettlement of Afghan refugees in the Borough following the council agreeing to provide three homes for families?

**Response:**

We recently secured two new homes for the Afghan refugee families, and those homes are now being prepared by our team which obviously have to be furnished and kitted out. So very shortly we will be able to welcome the families to the borough. We're also looking at a third home which hopefully in the next few weeks will come on line and then we have all our three families in.

**Q4.**

**Question from Councillor Essex to Executive Member for Neighbourhood Services, Councillor Bramhall**

**Question:**

Since 1 April 2020, landlords can no longer legally let properties if they fall below an Energy Efficiency Rating (EPC) of E, according to the Minimum Energy Efficiency Standard Regulations. These regulations allow local authorities to impose penalties of up to 20% of the value of the property's rateable value, up to £150,000 per property for non-compliance.

Please can the Executive Member confirm that all the private rental landlords in Reigate and Banstead are on its register of private landlords, how many of these have EPC certificates, how many of these fall below the required standard and the number of penalties so far issued by the council under these regulations to residential landlords through its licensing scheme?

**Response:**

There is not a register of all private landlords, either locally or nationally, and as such it is not possible to say which landlords have EPC certificates or how many are below the required standard.

The Council has not to date undertaken any formal enforcement under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015, commonly termed the 'Minimum Energy Efficiency Standard Regulations' or 'MEES'.

This is because when complaints are received about issues in rented housing, whether the property is subject to mandatory House in Multiple Occupation (HMO) licencing or not, the main tool used to assess and action any hazards found is the Housing Health and Safety Rating Scheme (HHSRS), under the Housing Act 2004. This includes hazards of excess cold and is felt to be a far more effective enforcement tool to secure improvements than the MEES.

If a local authority believes a landlord may be in breach of the MEES, they may serve a compliance notice requesting information to help them decide whether a breach has occurred. This may include requesting information on the EPC in place when the property was let, the tenancy agreement or any energy efficiency improvements made.

If a local authority confirms that a property is (or has been) let in breach of the MEES, they may serve a financial penalty up to 18 months after the breach and/or publish details of the breach for at least 12 months. The maximum amount that a landlord can be fined per property is £5,000 in total.

This does not however require improvements to the property or EPC. For this reason, the HHSRS is felt to be the more effective tool, as it can secure improvements in the actual thermal comfort of the property, to tackle the hazards of excess cold, damp and mould and has robust options to secure compliance, including financial penalties if required.

The reference to local authorities being able to impose penalties of up to 20% of the value of the property's rateable value, up to £150,000 per property for non-

compliance, is wrong. It only applies to rental of non-domestic property, while for domestic rentals the maximum financial penalty is only £5,000.

### **Supplementary Question**

Thank you very much for your long and comprehensive answer to I think you would agree was a fairly detailed specific question. But what you didn't set out in your answer is the degree to which the council is carrying out enforcement and that enforcement has been successful. Is it possible just to outline in a supplementary answer what enforcement has currently taken place, whether it be under MEES, for domestic or non-domestic properties, or under HHSRS, for domestic policies. What enforcement action have we taken in the last year and what's been result of that?

### **Supplementary Answer**

Obviously that information I do not have to hand so I will contact my officers and ask them to send you a written response in due course bearing in mind that this data is probably private and confidential, thank you.

## **Q5.**

### **Question from Councillor Cooper to Executive Member for Neighbourhood Services, Councillor Bramhall**

#### **Question:**

The Tadworth & Walton Residents Association has raised concerns about grass-cutting, sweeping and litter clearance.

On behalf of the TWRA I would like to ask the portfolio holder for Neighbourhood Services, Cllr Bramhall if the council could publish dates for grass cutting on its website to enable voluntary groups to readily access this information?

#### **Response:**

Our Greenspaces team work extremely hard all year round to keep our borough's parks and open spaces clean and attractive places to enjoy. Grass cutting season usually takes place between March-October each year. Each cutting cycle takes about five weeks and the teams continually cut until the end of the grass growing season. Wet weather and unforeseen circumstances, such as staff shortages can impact the service and delay things.

We do already publish the grass cutting schedule to our website which gives an indication of the length of time it will take to cut each area of the borough and the order of cutting by area. Unfortunately, due to the reasons mentioned above, wet weather and other unforeseen circumstances impacting on the schedule it would be impractical to publish exact dates as they would be subject to continual change.

The team are very happy however to work with our residents and groups of volunteers to provide information on when the team can be expected in their area and the team can be contacted on the Greenspace email – greenspaces@reigate-banstead.gov.uk.

**Q6.**

**Question from Councillor Sinden to Executive Member for Neighbourhood Services, Councillor Bramhall**

**Question:**

Could the Executive Member please tell me what the council, with its responsibility for regulating taxis and private hire vehicles and in line with its environmental sustainability strategy, is doing to require and incentivise taxis and private hire vehicles to shift to fully electric and support this with provision of designated charging points?

**Response:**

I'm aware that you often use taxis Councillor Sinden, and I'm happy to confirm that The Licensing and Regulatory Committee allowed the licensing of 5 fully electric Hackney Carriage Vehicles last year without the requirement that they are wheelchair accessible. Some conditions were sensibly added to include a minimum range.

An event was held at the Council's Earlswood depot where taxi drivers were invited to test drive fully electric vehicles and receive information on potential cost. To date one application for a fully electric Hackney Carriage has been received and granted. There is no restriction on the number of private hire vehicles that can be licensed by the Council, they are also subject to the same minimum range requirements. Used vehicles can be purchased subject to the Council's minimum age of under 7 years old provided all other requirements are met.

The Council is installing charging points in its own car parks, these are for everyone's use. Anyone with an app such as 'Zap Map' or 'Plug Share' is able to find both Council owned and commercial charging points, satellite navigation systems also receive updates to these locations.

A Surrey wide air quality project aimed at encouraging the uptake of electric vehicles by the taxi trade is currently in development. The project is led by Waverley and Spelthorne Councils with funding from DEFRA and subject to their final approval. Once approved all taxi and private hire drivers licensed by RBBC will be contacted with the relevant details.

**Q7.**

**Question from Councillor Philpott to Executive Member for Neighbourhood Services, Councillor Bramhall**

**Question:**

Most of our residents are very conscientious about recycling and the information on RBBC website recycling pages of "yes please" and "no thanks" criteria help them recycle correctly.

There are reports in various media articles that grease absorbed into a pizza box can be problematic for recycling and, according to those reports, can cause rejection of recycling batches. On the other hand, there are some articles that say this isn't an issue.

Appreciating the fact different recycling contractors will have different processes, please confirm if this is a problem for our own recycling processes? Or any other similar mistakes that spoil recycling batches, which our residents may be unwittingly unaware of?

**Response:**

Grease or oil on paper, card and cardboard based products prevents the separation of fibres when processing the recycling material at the paper mill (in effect it waterproofs the paper). Reigate & Banstead collect paper/cardboard separately from other recycling and sell direct to the paper mills, and we have not had any notified issues with pizza boxes.

Our advice to residents is that clean pizza boxes can be recycled in the paper box, greasy pizza boxes should be placed in the refuse. This maximises the recycling quantity of this material stream, whilst retaining its quality attributes.

Other councils may well use different communications, a blanket 'no' to recycling of pizza boxes, to simplify their messaging and any ambiguity on the subject. Of course, they then lose perfectly good recycling material to refuse.

This is particularly the case where recycling is collected comingled (all recycling in one bin), as quality of fibre (paper/card) is commonly reduced via the comingled collection method, and therefore harder to market into what is a very quality orientated paper industry.

**Supplementary Question**

This may be my fault for perhaps not seeing the details but if we could just make sure that there are details on the 'yes please' and 'no thank you' on the clean and dirty paper that would be wonderful, thank you

**Supplementary Answer**

Thank you for your supplementary Councillor and I think I've actually said that we don't have that problem because we collect our paper and card separately so, because we collect it separately, then it seems to work really well for us at the moment. So I don't think I want to baffle our residents even more than they get baffled about what they can put in the various boxes that they have, so I think I'd



probably like to leave it where it is but I'm sure many residents are watching this webcast and are listening to exactly what we're talking about.

**Q8.**

**Question from Councillor Ashford to Executive Member for Planning Policy & Place Delivery, Councillor Biggs**

**Question:**

The Tadworth & Walton Residents Association has raised serious concerns about flooding caused either directly or indirectly by building works, dropped kerbs associated concreted or tarmac drives.

On behalf of TWRA I would like to ask portfolio holder for planning policy, Cllr Biggs, to explain what steps are being taken to include a mandatory question about how water will be displaced by the works included in every individual planning application.

**Response:**

This is a subject which we have been taken very seriously following the surface water flooding issues that have occurred after recent heavy rain events and the propensity for heavy rainstorms to be more frequent from climate change. The causes of the flood impacts have been investigated by the County Drainage Team and it seems there are a number of factors responsible. Therefore, it requires a multi-faceted approach and I'm pleased to report that a meeting has already been held with a range of stakeholders from planning, engineering, County Highways drainage officers and the water company to try and tackle the issue.

Planning is certainly part of the equation, and we already have policies in place within the Development Management Plan requiring all relevant planning applications to mitigate against surface water flooding. Historically the focus has been on major developments for which the County provides detailed advice as part of their role as the Local Flood Authority, but discussions have also been held into extending this advice to include minor applications also and more planning applications will include conditions covering this.

A number of the works such as vehicle crossovers and new driveways do not always require a planning application however and these small-scale works can have a big cumulative impact. Crossovers will require a highways licence and so the relevant teams are also exploring ways in which a highway licence can be withheld until Highway's officers are satisfied about the drainage installed.

Officers are discussing what strategic flood alleviation works may be possible to help direct water away from the highway and people's homes. County has funding available for such works although, in principle, they could also benefit from this strategic CIL funding which will be looked at as part of the forthcoming review of the strategic infrastructure programme.

**Q9.**

**Question from Councillor McKenna to Executive Member for Planning Policy & Place Delivery, Councillor Biggs**

**Question:**

It is now clear that the planning system is only capable of meeting our policy requirements for affordable/social commitments in new housing schemes when and if developers are able to secure significant profits, usually 15-20% on Gross Development Value, based on the requirements for 'Viability Assessment' as part of the National Planning Policy Framework.

It is also evident that when submitting applications, the viability statement in support of the scheme can be manipulated so developers can repeatedly claim that they cannot afford to deliver the policy, whilst returning far larger profits than a decade ago.

In light of this, will the Council commit to review each and every scheme where affordable housing is needed, as follows:

- 1) At the application stage, ensure a comparison of standardised inputs including Gross Development Value, Gross Development Cost and Profit submitted by the applicant is undertaken with reference to other comparative data on new housing schemes within the Borough.
- 2) To assist understanding what is happening in reality to undertake a review of three recent schemes where the viability test was applied: Liquid and Envy, Marketfield Place and Marketfield Way developments in Redhill to compare the affordable homes required by policy against the number considered affordable based on the original viability estimate and additional 'claw-back' to fund affordable homes based on the latest financial estimates.
- 3) Having done that, where a shortfall is identified, can we commit to ensure that a commuted payment for affordable housing provision is sought from the applicant, whether that's likely to be a couple of years later.

**Response:**

Hopefully you enjoyed the recent seminar by the head of planning on this subject helpful and for those who were unable to make it, a recording has been circulated to all Members.

Absolutely, we want development to deliver affordable housing in accordance with our policies. Unfortunately, there will be occasions where developers try and make a case through an open book viability assessment as allowed for by national policy. However, we expect these to be the exception rather than the rule and where they are submitted, they will be robustly scrutinised, including by specialist consultants, at our appointment but at the developer cost, to extract as much value from a development that we can, in order to help provide more affordable housing.

How standardised inputs in an appraisal should be used and calculated is set out in national guidance but a key part of this process is drawing upon local evidence of similar schemes within the Borough as well as other sources of data.

The three developments referred to were subject to review mechanisms or 'claw-backs' requiring an assessment of the real costs, value and profits in order to realise affordable housing from any uplift in profit from that assessed at the application stage.

Each will be nearing the point at which the review must be undertaken and submitted, and it will be robustly scrutinised as we would any normal viability appraisal to determine what contributions may be payable towards affordable housing. It will also help build the evidence for consideration of future appraisals submitted on similar sites.

Our preference will normally be for provision of on-site affordable housing but there will be exceptions as set out in the Affordable Housing SPD including where the values will not cover on-site provision. In these circumstances we will always seek to extract any residual value as a financial contribution towards affordable housing.

### **Supplementary Question**

Thank you to the Member for his full response. I did attend the viability session which was very useful as you say. Unfortunately, we still have this problem with affordable housing not being delivered so I would like to ask if we could actually assemble a register that would have some of this information. It doesn't have to name names, but it could be useful to give an indicative picture for the public so they can see why affordable housing isn't being delivered. Secondly it would be very helpful I think if we could produce a schedule that showed how much money had been gathered for affordable housing purposes and how much has been spent.

### **Supplementary Answer**

I would repute the question of not delivering affordable housing. We are hitting our targets as set in the plans - I can't remember how many years ago - but over a 15-year plan. With housing it has to be a long-term plan and we are achieving those targets, in fact we are slightly ahead, so I'm pleased with our affordable delivery and it's not true to say that we're not meeting our targets.

### **Q10.**

**Councillor Torra will ask the Executive Member for Planning Policy & Place Delivery, Councillor Biggs the following question:**

#### **Question:**

The latest Reigate and Banstead affordable housing completion statistics are ranked as red, which means they are way off-target. The council's affordable housing target

is for 50 affordable homes to be built in the first 6 months of this financial year, of which 30 should be at social rent (i.e. at 50% of market rent). The total so far is 24 affordable homes which is less than half the overall target and just 2 (two) houses for social rent which is tiny fraction of what is needed. Please confirm what the council is doing to address this.

**Response:**

As I'm sure you're aware building takes time, and many are part of larger schemes. The target of 50 affordable housing completions across the 6 month period is derived from the Core Strategy target of on average of 100 affordable homes per year across the whole 15-year plan period. We are confident that despite many difficulties in the construction industry over the past two years we will still meet that target.

Firstly, the 60 per cent DMP states 60 percent of affordable homes will be for rent, which includes affordable rent and social rent, so it's not correct to say that 60 percent were intended for social rent. It's also not correct to say that these shall be at 50 percent of market value for affordable rent, the value can be set at up to 80 percent of market rates and for social it is a little bit more of a complicated equation. I was advised of this equation, because I wasn't aware of it, but that formula is 70 percent of the national average rent, multiplied by relatively county earnings, multiplied by the bedroom weight, plus 30 percent of the national average rent, multiplied by relative property values. Across quarters 1 and 2 we did have 24 affordable completions so that aspect is correct, although it appears from our statistics that 10 rather than 2 of these 24 were for rent.

It is very difficult to draw assumptions from one quarter or even one year to the next as there will be fluctuations depending on what developments complete and when. Often affordable houses will be completed in batches or phases and so a number will be delivered at a time and across the plan period as a whole. The number of affordable housing completions is on target.

As you have already heard, we do and will continue to scrutinise open book viability appraisals as robustly as we can to extract maximum value for affordable housing and make clear that these are expected to be the exception.

We have also lobbied the Government against a number of changes which have made it harder to deliver affordable housing such as expanded permitted development rights and attempts to raise the threshold of developments that are expected to provide affordable housing.

As an Executive, we are committed to delivering affordable housing which is why we have brought forward important schemes at Lee Street, Horley, Cromwell Road, Redhill and Pitwood Park, Tadworth which each provide affordable housing at or above the level required by policy and will continue to do so wherever we can.

**Q11.**

**Question from Councillor Turner to Executive Member for Planning Policy & Place Delivery, Councillor Biggs**

**Question:**

The Tadworth and Walton Residents' Association have raised a concern about water running off properties with impermeable driveways.

On behalf of the TWRA I would like to ask the Portfolio Holder for Planning Policy Councillor Biggs how the Council intends to educate the public to this issue and encourage people with impermeable surfaces that drain onto public roads to think about converting their drives to permeable surfaces

**Response:**

You're absolutely right that everyone can help mitigate surface water flooding impacts by making changes to their property to help retain water on site and slow the flow of it onto the highway and into public drainage systems.

This includes ensuring that new driveways and hard-standings are permeable but improvements should also be encouraged to existing ones as well as by other means, such as water butts to help hold water on site for longer.

I'm keen to raise awareness of the subject and publish the changes that we can all make to help solve the issue. I know the TWRA has raised raising awareness locally and I would be happy to support them and other residents' associations with this if I can.

We'll be working with our Comms team about how best to raise awareness, but I envisage messaging on social media, within the Borough News and of course a dedicated section of the website to help provide practical tips and advice.

We recently adopted the Sustainable Construction and Climate Change SPD which provides relevant information relating to new development but getting those messages across more widely will be key and as Members we can all play our part in helping with this message.