

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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- 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.

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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	<b>Question by</b>	<b>To be answered by</b>	<b>Subject</b>
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
<b>Written responses were given after the meeting</b>			
13.	Councillor Khan	Councillor Ashford, Executive Member for Communities, Leisure &	Merstham Mix

		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 –

- (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