

REIGATE AND BANSTEAD BOROUGH COUNCIL

COUNCIL: 25 JULY 2019

Questions by Members

No.	Question by:	To be answered by:	Subject
1.	Cllr J. Essex	Cllr M. Brunt, Leader of the Council	Gatwick Airport
2.	Cllr S. Kulka	Cllr A. Horwood, Executive Member for Wellbeing & Intervention	The Harlequin
3.	Cllr S. Sinden	Cllr A. Horwood, Executive Member for Wellbeing & Intervention	The Harlequin
4.	Cllr J. Philpott	Cllr N. Bramhall, Executive Member for Neighbourhood Services	Consequence of new charges for waste disposal by Surrey County Council
5.	Cllr R. Ritter	Cllr G. Knight, Executive Member for Housing and Benefits	Reasonable expenses and intentional homelessness
6.	Cllr S. McKenna	Cllr Biggs, Executive Member for Planning Policy	Longmead School, Redhill

Council Meeting: 25 July 2019

Councillor J. Essex will ask the **Leader of the Council, Councillor M. Brunt** the following question:

Question: Gatwick Airport

On Thursday 18th July 2019 Gatwick Airport Ltd announced their intention to seek permission for Gatwick Airport's emergency runway to operate as a de-facto second runway, increasing airport capacity.

Four years ago, in July 2015 the Airports Commission concluded that no more than one new runway should be built in the South East if the government was to stay within its (now old) target of 80% carbon emissions reduction by 2050 - and this required other airports to reduce flights so overall our airports did not exceed the budget for aviation (which was to remain the same whilst all other sectors had carbon emission reductions).

However, this year, the government and Surrey County Council committed to the reduce emissions to zero by 2050, meaning stronger constraints on aviation expansion are required.

Last Thursday this council's Executive agreed a draft Corporate Plan for consultation, noting that it recognised the Intergovernmental Panel on Climate Change's (IPCC) warning that urgent action is required in order to avoid runaway global warming and climate breakdown, and committed to take a proactive approach to reach both the government's and global targets.

Please would the Leader clarify that our commitment means in regard to the proposed expansion of Gatwick Airport which this council recognises as it least part in our borough and in our area of strategic influence, and clearly state our opposition to this proposed expansion of Gatwick Airport, as being inconsistent with our position on climate change.

Response / Observations:

Councillor Humphreys will be making a statement on the Gatwick Airport Masterplan later this evening.

The Masterplan published by Gatwick Airport Ltd (GAL) represents a statement of their ambitions for the airport.

GAL has indicated its intention to now proceed with a Development Consent Order application. This is a statutory process, within which the Council is a formal consultee.

The process requires Gatwick Airport to prepare - and consult on - detailed proposals and technical environmental impact assessments.

We will fully engage in that process, and this will include considering the proposals against all of our corporate objectives.

I am also working with other local authority leaders across the area to make sure that we work together to maximise our ability to properly scrutinise - and indeed influence - the Airport's proposals, and I can confirm that this will include in relation to the climate impact of the proposals.

Council Meeting: 25 July 2019

Member Questions: The Harlequin

Councillor S. Kulka will ask the **Executive Member for Wellbeing & Intervention, Councillor A. Horwood** the following question:

The Waller Cinema in Redhill was a later conversion to the Harlequin Theatre to generate more income, so that the theatre complex would become more financially viable and would thereby reduce the necessary annual Council subsidy.

As the cinema has been closed for approximately nine months for refurbishment with lost income, can the Executive Member for Wellbeing & Intervention advise as to why the programme has taken so long and if there is a projected opening date?

Councillor S. Sinden will ask the **Executive Member for Wellbeing & Intervention, Councillor A. Horwood** the following question:

The Harlequin cinema has now been shut for around six months. Why is it taking so long for the Harlequin cinema seating to get replaced? What went wrong, when will it be back in use, and what provision has been made over the summer holidays?

Response / Observations:

The refit of the cinema has been delayed due to ongoing contractual issues with the supplier which officers have been working hard on, and are close to being resolved. Revised plans should be submitted to Building Control for sign off imminently, and at this point the agreed work – which should take around 6 weeks – will begin. We are working hard to ensure that the reopening is by October's half term week.

All measures are being taken to mitigate the Council's financial position in conjunction with minimising the impact on the venue – for example, we have been able to show a programme of films by utilising the main auditorium.

Throughout the Summer holidays, the Harlequin – along with colleagues in our Wellbeing team - will be providing a range of activities, including – for the first time – a 'Show in a Week' for young people from within the Borough. There are also a broad range of film offerings, including baby club and relaxed screenings of family favourites, which include recent releases.

Council Meeting: 25 July 2019

Councillor J. Philpott will ask the **Executive Member for Neighbourhood Services, Councillor N. Bramhall** the following question:

Question: Consequence of new charges for waste disposal by SCC

The introduction of further charges for the disposal of waste material by Surrey County Council will undoubtedly lead to an increase in fly tipping and may also encourage residents to dispose of their waste by the use of bonfires or incinerators. Some of this waste could be toxic.

Can the Executive Member advise if RBBC needs to be thinking about mitigations to potential consequences of this? And perhaps what by laws govern the use of bonfires and how these laws are enforced?

Response / Observations:

Civic recycling centres are managed by Suez on behalf of SCC and changes have been brought about following a period of consultation. Wood waste no longer incurs charges, the majority of items which do incur charged for disposal do not burn, e.g. Builders waste, rubble, slate, tiles etc.

Any increase in bonfires within the borough would be dealt with as they are currently:

For domestic properties, there are no laws which prohibit having a bonfire. The Council can only take action if the frequency and extent of bonfires is judged by Environmental Health to be a statutory nuisance. For a bonfire to be classed as a statutory nuisance, the smoke would have to be:

- unreasonably and substantially interfering with the use or enjoyment of a home or other premises,

and/or

- injure health or be likely to injure health (prejudicial to health)

This would need to be happening on a regular basis, not just a one off or just a few times throughout the year.

If a resident is having a lot of bonfires and they are having a substantial impact, Environmental Health can investigate as a service request. In the first instance this requires the complainant to keep records of when the bonfires are occurring and how long they last, the impact caused etc. This would allow Environmental Health to form a judgement of whether the matter is likely to meet the criteria to be deemed a statutory nuisance and try to establish if there is a pattern e.g. if someone is burning every weekend. If a statutory nuisance is determined, an Abatement Notice will be served requiring the nuisance to be abated.

There are other offences relating to burning trade waste on domestic premises or emitting dark smoke from a bonfire on commercial or industrial premises, which would be investigated by Environmental Health in a similar way.

Council Meeting: 25 July 2019

Councillor R. Ritter will ask the **Executive Member for Housing and Benefits, Councillor G. Knight** the following question:

Question: Reasonable Expenses and Intentional Homelessness

This concerns the 'reasonable expenses' and intentional homelessness, since the 2019 Supreme court ruling, *Samuels v Birmingham City Council* in which the decision to evict Ms Samuels for rent arrears by Birmingham CC, having found her 'intentionally homeless' was quashed.

Ms Samuels had been judged as having enough 'flexibility' in her finances to cover a £34 per week shortfall of her rent over housing benefit, which the Supreme Court considered to be the subjective view of the case officer as it did not make the required objective assessment of her 'reasonable living expenses' (other than rent) that being determined with regard to both her needs and those of her children.

The Supreme Court judgment has made it clear that 'subsistence benefit levels' are a reasonable objective baseline to ensure that an applicant can afford their housing costs without being deprived of basic essentials such as food, clothing, heating, transport and other essentials specific to their circumstances. Housing costs should not be considered 'affordable' if the applicant would be left with a residual income that is insufficient to meet these essential needs.

In light of this can the Reigate and Banstead Borough Council housing and homelessness team share with Council what steps they have taken to incorporate this Supreme court judgment into their procedures?

Response / Observations:

Thank you for this question. Case law helps test and interpret legislation and in this case has led to a useful clarification to the Homeless Code of Guidance around questions of affordability of the last settled accommodation where intentional homelessness is potentially in issue. Ms Samuels argument was that the reviewing officer should not have taken into account her income from benefits other than housing benefit because these were subsistence benefits providing the bare minimum income required for essential living needs and therefore could not be relied on to make up the shortfall in rent.

I am pleased to confirm this judgement has had no impact on the way officers at this Council make decisions regarding intentionality when investigating loss of last settled accommodation due to rent or mortgage arrears.

There are some well-defined limitations to this case. The judgement does not ring fence housing benefit and Universal Credit housing cost element. It continues to allow Local Authorities to take into account subsistence benefits in a financial assessment.

Nevertheless, as a reasonable and compassionate Local Authority where our primary concern is to avoid eviction or intentional homelessness under any circumstances, our officers work closely with residents at risk of losing their home, and with social and private landlords. We assess each applicant's household income against reasonable living expenses. Much time and careful investigation goes into understanding income and expenditure during periods of non-payment or shortfalls of rent/mortgage. There is no one-size-fits-all solution. Every case is different and our team is highly trained to find the best outcome. We have many tools to achieve it, including some excellent negotiators. If Cllr Ritter is interested to know more about the work of our teams I would be delighted to arrange a specific briefing.

Council Meeting: 25 July 2019

Councillor S. McKenna will ask the **Executive Member for Planning Policy Councillor R. Biggs** the following question:

Question: Longmead School, Redhill

For far too long Redhill has seen many of its old characterful buildings lost to new development without even a modest attempt to consider the benefits of refurbishment. It seems because developers prefer to start with a cleared site that we allow them to do so. Yet there are numerous examples of old schools, churches, cinemas and other buildings in other towns that have been sensitively converted to provide much needed homes. It is the case that retaining buildings and spaces with local meaning and significance that helps make great places.

We have a locally iconic building, the 109 year old former Longmead School in Holland Close, Redhill, left vacant by Surrey CC for 14 years and now SCC seek its demolition. Yet we know that if this happens the chances of new development contributing to the character of the town, which is itself 175 years old this year, will be very poor. It is understood that the site will have affordable housing for local residents in due course.

Can the Council advise what steps they have taken to persuade Surrey CC, the present owner, to retain the building for refurbishment, including the possible transfer of the building to our local Council, especially in the knowledge that many local people see this as an iconic structure worthy of listing, and what action has been taken to explore the following material considerations:

- The relative benefits of carbon saving compared with new build, including reuse of roof materials and brick;
- the level of tax incentives for refurbishment including reduced VAT and other allowances; and
- the scope for a more viable high density housing scheme utilising the height of the structure and retaining more of the site for green space when compared with new build.

Response / Observations:

I agree that we should try and retain and put to use existing buildings of historic or local interest that help define and characterise our towns and villages wherever possible. Clearly this must be balanced against the need to avoid sites falling into decay because it is unviable for them to be retained or re-used.

In the case of Longmead the Council recognises the contribution it makes to the historic character of the town. For this reason, whilst it is allocated within the DMP,

the policy makes clear that any redevelopment should fully explore all opportunities for conversion and refurbishment or partial redevelopment with façade retention.

We have advised the County of this in all discussions with them to date and will continue to do so in future meetings. Whilst we can't require them to transfer the building to this Council, and we acknowledge the consent they have granted for its demolition, we maintain our hope that a solution can be found to bring the site and the building back to life again.

As for the environmental impact of adaptive reuse, that can only be determined on a case-by-case basis.

With regard to VAT and general tax incentives these are not areas that this council have control over.

As for specifics regarding the design of the proposed building these are matters for the appropriate planning authority in due course