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Democratic Services



To: All Members of the Council

Dear Councillor,

COUNCIL - TUESDAY, 30TH JULY, 2024 , Council Chamber - Epsom Town Hall

Please find attached the following document(s) for the meeting of the Council to be held on Tuesday, 30th July, 2024.

4. **QUESTIONS** (Pages 3 - 14)

This document report sets out the questions for Item 4 of the agenda and responses from Committee Chairs.

For further information, please contact democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

Yours sincerely

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Chief Executive

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QUESTION 1

Question from Councillor Julie Morris to the Chair of the Licensing and Planning Policy Committee, Councillor Peter O'Donovan.

Is it correct that with the exception of the Q and A on the website, there have been no public statements or debate (in public) relating to progress of the Local Plan since the Plan was "unpaused" in October 2023 and is the Chairman able to provide a statement now?

Reply from Councillor O'Donovan:

- The Chair of Licencing and Planning Policy Committee provided an update to Council on the 12 December 2023 and 16th April 2024.
- No decisions have been required from the Licencing and Planning Policy committee in terms of the Local Plan following the decision by Full Council to 'un-pause' in October 2023 and the subsequent approval of the Local Plan timetable (Local Development Scheme) by the Licencing and Planning Committee in November 2023.
- As set out in the Local Plan timetable (and FAQs on our website) we are currently working on the evidence base to inform Reg 19 Local Plan which is scheduled to be considered by the Licencing and Planning Policy Committee in November.
- The FAQs on our website provide a wide range of information and will be updated in due course once more information is known on the planning reforms that the government are proposing to implement.

QUESTION 2

Question from Councillor James Lawrence to the Chair of the Environment Committee, Councillor Liz Frost.

Would the Chairman please confirm:

- (a) what is the current operational status of the various tennis courts in the Borough
- (b) how much income has been raised since charges were introduced on 1st April and
- (c) what plans are there to ensure the public understands the meaning of "free tennis sessions for all ages"

Reply from Councillor Frost:

- a) All tennis courts are operational. Cleansing works have been carried out on all courts and all have had new nets. Line marking is taking place this week. CIL bids have been submitted for major resurfacing and fencing works at the Gibraltar, Poole Road and Alex courts.
- b) Since 2 April 2024, we have sold 9 discounted memberships at £20 each totalling £180 and 157 full memberships at £40 each totalling £6,280. In addition, we have generated £3,198 in ad-hoc bookings, bringing the total revenue to £9,658 in just under four months.

- c) A recent Comms piece has been released about free tennis sessions every day between 8am and 12pm over the summer holidays and existing free tennis on offer every weekend. The Coach at Court Rec is also contracted, via EEBC and the LTA, to provide one hour of free Coach led group tennis sessions each week. We also have new coaches lined up for Alex Rec and Auriol Park, who will also be contracted to offer the same at these locations.

QUESTION 3

Question from Councillor Alison Kelly to the Chair of the Community & Wellbeing Committee, Councillor Clive Woodbridge.

Can the council's housing and tax teams work with our social housing providers to emphasise the need for new residents to register for council tax, and is it possible to create a process that ensures residents are not in arrears by the time the council contacts them?

Reply from Councillor Woodbridge:

Thank you for this question. New tenants are usually given guidance by the social housing provider with regards to claiming welfare benefits when they sign up to their tenancy and this should include information about Council Tax. However, Housing Services will include information about registering for Council Tax and claiming Council Tax Income Discount (CTID) on their nomination letter which includes a hyper link/web address to EEBC's Council Tax web pages.

It is obviously important that this information is communicated effectively to avoid tenants falling behind with their council tax payments and thereby running into debt, so we will review communications to make sure this is the case and that tenants are reminded of their need to register with EEBC for CTID. We will also raise the issue at our next meeting with the largest social housing provider in the borough, Town and Country Housing. However should CAB or any other organisations be aware of a continuing issue in this regard, they are encouraged to let the Council know so that we can respond in partnership with the housing provider.

QUESTION 4

Question from Councillor Kate Chinn to the Chair of the Strategy & Resources Committee, Councillor Neil Dallen.

At the full council meeting on 16th Feb 2021 Cllr Monksfield tabled a motion. After an amendment the following motion was carried and accordingly the council resolved:-

"This Council believes that greater digital inclusion will assist the borough in its economic recovery from the Coronavirus pandemic, which has had a devastating impact throughout the borough, particularly for the most disadvantaged residents. This Council further notes the steps already taken by the Council to support digital

inclusion, including the provision of IT Training Sessions at the Community & Wellbeing Centre and the work currently being undertaken with Epsom BID to introduce free WIFI to the town centre. The Council therefore agrees to develop a Digital Inclusion Strategy and take action as part of the Council's Build Back Better recovery plan for the Borough."

I don't believe a strategy was ever developed and I understand much of the good work and steps taken to improve digital inclusion for residents has continued and a strategy may no longer be required. However, I do note that most places I visit, cities, towns and smaller communities that have grouped together, do provide free wi-fi many of whom report a boost to their economy.

- i. What has been done to assess the delivering of digital inclusion activities for all communities in the borough
- ii. has free wi-fi been progressed for the borough in partnership with Epsom BID.

Reply from Councillor Dallen:

- i. The Epsom and Ewell Hub, which is funded by the Council through the UK Prosperity Fund, has identified a significant cohort of people using their services as having digital training needs and little access to suitable IT equipment. This represents a significant barrier to successful employment or training and in response the EEHub will be opening a digital café in their offices on the 2nd Floor of Global House in September 2024. This initiative will offer essential digital skills training as well offering free access to digital technology to support residents.
- ii. All Council public buildings now have free wifi as does the Ashley centre BID alongside many other public areas. There were discussions with the BID and SCC a few years back, which explored the possibility of area based wifi. These early discussions concluded that this was not currently feasible. Discussions between the BID and SCC are continuing to investigate greater connectivity across the BID area.

QUESTION 5

Question from Councillor Steven McCormick to the Chair of the Environment Committee, Councillor Liz Frost.

The Chalk Pit site is still causing many of our residents noise and dust nuisance with several complaints being logged daily to this council, Surrey County Council and the Environment Agency. There are planning applications in process with Surrey County Council but in the meantime, residents are experiencing regular disturbance to the unencumbered enjoyment of their homes and gardens. What actions are this council taking to address these statutory issues that this council is responsible for?

Reply from Councillor Frost:

I thank Cllr McCormick for his question.

The Council has proceeded in line with its statutory duties to take such steps as are reasonably practicable to investigate complaints of nuisance. This has included an early morning visit to characterise and witness the noise at that time.

Further, and as a consequence of a temporary diversion of resource away from a separate statutory service, the council intends to deploy a dedicated officer for Chalk Pit work alone for a limited number of hours per week over the summer period.

QUESTION 6

Question from Councillor Julie Morris to the Chair of the Licensing and Planning Policy Committee, Councillor Peter O'Donovan.

We missed an entire year of spending our CIL (Community Infrastructure Levy) monies to benefit our residents because the rules for spending it were rewritten and it has now taken 6 months (18th January and 11th July meetings refer) to confirm which Councillors are to be involved in deciding which projects will be taken forward, so what actions are the council proposing to ensure that we are able to offer infrastructure improvements at a faster pace in the future?

Reply from Councillor O'Donovan:

CIL spending was paused as issues were identified with the governance and process for awarding CIL funding that was in place in 2022. Officers and Members worked to produce an updated Spending Protocol that would form the new robust governance arrangements for administering CIL spending in the borough, which included the establishment of a CIL Member Working Group and the removal of the value cap on neighbourhood CIL bids.

The CIL Spending Protocol was approved in January 2024 by the Licencing and Planning Policy Committee and in accordance with the indicative timetable in the protocol officers undertook an update to the Infrastructure Plan following engagement with infrastructure providers and subsequently launched the annual CIL funding rounds from the 7 May to the 18 June. To reiterate, the indicative timetable in the approved spending protocol is as follows:

- May-June – bidding open
- June-September – Assessment of bids
- November – Spending decision by LPPC

Following the receipt of bids for CIL funding, in accordance with the approved spending protocol, officers are now assessing the bids received to determine whether they pass the 'stage 1' criteria prior to the first member working group being held which is anticipated to be in early September. The establishment and membership of the CIL Member Working Group had to be confirmed by LPPC before the group could formally meet and I wish to highlight that the process is following the

indicative timetable contained in the spending protocol, therefore there has been no delay to the release of CIL funding. The recommendations of the CIL Member Working Group on CIL spend will be presented to the Licencing and Planning Policy Committee for decision in October of this year, however any bids over £50,000 will need to be referred to the Strategy and Resources Committee for ratification.

As set out in the approved Spending Protocol CIL bids will run on an annual basis, with the next opportunity for submitting bids to take place in April / May of next year.

QUESTION 7

Question from Councillor James Lawrence to the Chair of the Environment Committee, Councillor Liz Frost.

In the light of the continuing disturbance to residents near the Chalk Pit, how is the council proactively looking to monitor the site for statutory noise nuisance and use the money reserved at Strategy and Resources Committee to ensure the health and wellbeing of our residents in their own homes?

Reply from Councillor Frost:

I thank Cllr Lawrence for his question.

Members will be aware the decision by the Strategy and Resources Committee was to agree to reserve a total of £140k from the corporate project reserve to provide an enhanced discretionary nuisance service in respect of the Chalk Pit and for that money to be replenished by new savings and/or additional income to that amount from the Environment Committee's budget in the 25/26 financial year.

Members will further recall the committee agreed that the commencement of this work is to be initiated when the Head of Housing and Community in consultation with the Chair of the Environment Committee decides that in their professional opinion the level of noise and complaints warrant such action, and the completion and commissioning of those buildings with current or amended planning permission has taken place.

Since the above conditions have not been reached, the council has not yet commissioned the enhanced discretionary nuisance investigations.

Importantly the Council has instead proceeded in line with its statutory duties to take such steps as are reasonably practicable to investigate complaints of nuisance in response to complaints received. This has involved officer monitoring, including an early morning visit to characterise and witness the noise at that time and close co-ordination between counterpart agencies who have also attended site.

QUESTION 8

Question from Councillor Steven McCormick to the Chair of Strategy & Resources Committee, Councillor Neil Dallen.

Most recently we have seen public consultations of the SGN site regeneration plans and proposals which are most encouraging. It is noted that a state-of-the-art facility for Laine is proposed. Can this council confirm whether it will be funding this facility and where is the money coming from to do this?

Reply from Councillor Dallen:

Supporting culture and creativity is a key theme of the Council's Future40 long term vision for Epsom and Ewell. Both the Regulation 18 Draft Local Plan and the Epsom Town Centre Masterplan consultation built on the Council's aspiration to encourage Laine Theatre Arts to remain and prosper in the Borough. This has been reflected by Zenith Land's (the developer of the SGN land) proposal to include a new Laine Theatre Arts facility. The Council has supported discussions between the developer and Laine Theatre Arts and all parties are working together to identify commercial funding opportunities. Once known, any proposals involving the Council would be considered by all members at Full Council.

QUESTION 9

Question from Councillor Steven McCormick to the Chair of Community & Wellbeing Committee, Councillor Clive Woodbridge.

A question was raised at committee on the subject of empty homes and what work is taking place and what can take place. Can an update be provided on this council's statutory vs non-statutory responsibility in this regard and what work has been done in the past year to address the issue of empty properties in Epsom & Ewell?

Reply from Councillor Woodbridge:

Thank you for this question. The relevant officers from within the council work collaboratively as an Empty Property Group, which co-ordinates the gathering of information to identify empty properties and seek possible solutions where appropriate. The Council also charges additional Council Tax on properties which have been empty and unfurnished for longer than 2 years. Full details can be found on the EEBC website.

Council Tax records show that there are around 60 long-term empty properties across EEBC, with long-term being classed as more than two years. This figure includes properties owned by several public bodies, such as housing associations and parts of the NHS, as well as private companies and individual owners.

The council has written to these owners several times recently to encourage them to make contact and clarify their intentions. These letters have also informed them of the council's Private Sector Lease (PSL) scheme, encouraging them to add their

property to the PSL scheme. The process is helping us to better understand the scale of the issue and the reasons why the properties are empty, with the ultimate aim of bringing them back into use. This issue of empty properties is a standing agenda item at the C&W Chairs meeting every month and, as well as the proactive measures mentioned, I have asked officers to examine whether some of the statutory tools available, such as Compulsory Purchase Orders and Empty Dwelling Management Orders, could be usefully employed in future.

QUESTION 10

Question from Councillor Steven McCormick to the Chair of the Licensing and Planning Policy Committee, Councillor Peter O'Donovan.

Richmond Council has adopted a sliding scale of affordable housing contributions from smaller housing schemes, 2 or above.

Para 65 of the NPPF states : Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. We are not a designated rural area therefore to be compliant affordable housing requirements should be applied to major developments only.

Elmbridge are proposing a similar approach through their Local Plan which is at examination (but now paused for a few weeks for them to undertake additional work).

Turning to Epsom and Ewell, our own Local Plan viability assessment looked at introducing affordable housing on smaller sites (typologies 24-28) and identified that seeking affordable housing from 2 of the typologies would not be viable based on 35% affordable housing.

Can I ask that this council Introduces some form of offsite affordable housing contribution from smaller schemes, to be set at a level that does not make the development unviable?

In addition, this council explores schemes of 2 and above at varying percentages (5 to 40%) of on and off-site affordable housing contribution into our emerging Local Plan Viability Assessment and for inclusion into our emerging Affordable housing policy.

It is the ideal time to include these extra typologies in the affordable housing policy development and Local Plan Viability Assessment.

Reply from Councillor O'Donovan:

Such an approach would conflict with the National Planning Policy Framework and therefore would come under intense scrutiny at examination by the appointed planning inspector(s), one of the core tests of soundness that the Local Plan will be examined against is whether they are 'consistent with national policy' (NPPF Para 35).

Affordable housing is a core issue for the Borough, with limited affordable housing having been delivered over recent years, for example over the four-year period from 1 April 2019 and 31 March 2023, a total of 796 dwellings were completed, of which 107 were affordable which is an average of 13% affordable housing delivery. This is a result of the types of development that typically occur in the borough (smaller residential developments that fall below the major development threshold) and partly because of development viability factors which can reduce the amount of affordable housing that major schemes provide following a viability review to justify a departure from policy.

Pursuing a policy through the Local Plan that conflicts with national policy is a risk, however with the number of households on our housing register standing at approximately 1,350 (an increase of 150 households since June 2022), the requirement of 'commuted sums' from minor developments could be explored further.

Rather than a sliding scale, a pragmatic approach that could be evidenced would be requiring affordable housing as a commuted sum (financial contribution) from developments of between 5 and 9 dwellings which is in line with the approach taken in designated rural areas.

At this time, it is uncertain whether the affordable housing policies contained in local plans that deviate from national policy and are currently subject to examination by a government appointed planning inspector (such as Elmbridge or Richmond) will be found to be sound.

We have always stated that the Local Plan will be evidence based. In preparing the next iteration of the Local Plan (Reg19) Officers will consider whether an affordable housing policy that is not in conformity with national policy is justified by the evidence base. If such an approach can be justified members need to be aware of the risk that the policy may be amended by the planning inspector appointed to examine the Local Plan due to the conflict with national policy.

QUESTION 11

Question from Councillor Steven McCormick to the Chair of the Licensing and Planning Policy Committee, Councillor Peter O'Donovan.

Can an update be provided on the progress made by this council to address Bio Diversity net gain policy development and updates?

Reply from Councillor O'Donovan:

Biodiversity Net Gain is now mandatory for developments, although there are several types of development that are exempt, this includes householder applications and self-build developments. The legal requirement is for at least 10% biodiversity net gain from developments which in accordance with the hierarchy should be provided on site first, and where not possible to provide onsite, it can be provided offsite.

The Council is working with the County Council as part of a project to assess council owned land and its suitability for offsite biodiversity net gain mitigation. The project is currently in progress with surveys underway.

In terms of the emerging Local Plan and the policy requirement for Biodiversity Net Gain, it is important to note that the Planning Practice Guidance was updated in February 2024 to state:

“Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented.”

Paragraph: 006 Reference ID: 74-006-20240214

Requiring a higher level of biodiversity net gain than the national minimum could impact development viability, by reducing the developable area of a site (where provision is to be provided on site) or increasing the amount of offsite mitigation that needs to be purchased for developments where on-site provision is not feasible.

In preparing the next iteration of the Local Plan (Reg19) Officers will consider requiring a biodiversity net gain minimum threshold that exceeds that national minimum, if it is justified by the evidence base.

QUESTION 12

Question from Councillor Steven McCormick to the Chair of Strategy & Resources Committee, Councillor Neil Dallen.

Surrey County Council are soon to start the next wave of Counter Fraud activity with focus of Single Person Discounts combined with additional scope to include a review of empty houses in the borough.

Can this council confirm that it will attend these meetings with Surrey County Council and take part in this activity, please?

Reply from Councillor Dallen:

To date EBBC has undertaken Single Person Discount (SPD) reviews internally, with every SPD reviewed by the revenues team, using National Fraud Initiative (NFI) standards. The NFI standards focus on checks between the electoral register and council tax records to identify any potential frauds or status changes for

investigation. The revenues team also undertakes Empty Homes reviews, with every single empty property inspected quarterly to re-assess eligibility.

For 2024/25, the team has already completed SPD discount reviews. However, the team has contacted SCC to confirm participation going forward.

The Council is fortunate to already have one of – if not, the – most successful revenues and benefit teams in Surrey based on collection rates, and it is hoped the scheme may increase the yield further and/or provide some efficiencies.

QUESTION 13

Question from Councillor Steven McCormick to the Chair of Community & Wellbeing Committee, Councillor Clive Woodbridge.

At the Community and Wellbeing Committee meeting on 16th January 2024, agenda item 5 related to REVENUE BUDGET 2024/25.

Section 5 of this report highlighted a savings target of £30k following a review of the Community & Wellbeing Centre.

Can it be confirmed how this efficiency would be realised and confirmation that there are no current plans to reduce the services from this centre?

Reply from Councillor Woodbridge:

Thank you for the question. Within the medium term savings plan there was a target to bring in extra net income to the Community & Wellbeing Centre, and the £30K figure referred to was part of that goal. In other words the 'saving' related to additional income, rather than any reduction in service levels.

This was to be primarily achieved by attracting additional clients to attend our higher needs day care offering. Unfortunately even after a media campaign we have not been able to recover numbers since the pandemic. Consequently this saving - by increasing income - is at risk of not reaching the target set.

There are no immediate plans to reduce the level of services at the Centre. However at the last S&R committee it was agreed to undertake a service review of both the Community and Wellbeing Centre and Bourne Hall. This work is only just getting underway and so there can be no certainty as to what its conclusions will be. However, given the council's need to make significant savings over the next few years to meet budget targets, the possibility of changes to the range of services, and the location they are provided, cannot be ruled out. Members will be kept fully informed about this review process.

QUESTION 14

Question from Councillor Steven McCormick to the Chair of Strategy and Resources Committee, Councillor Neil Dallen.

Last year I raised a question at Surrey County Council to ask that better integration with reporting applications such as FixMyStreet be considered and progressed.

This work has now progressed and is being implemented at Surrey County Council with FixMyStreet.

Is there a way this council can also explore improving the integration of this very useful and effective application to improve the experience for our residents in reporting issues and problems to this council?

Reply from Councillor Dallen:

We recognise that FixMyStreet can be a useful tool that is used by a number of UK local authorities. We do not currently have any plans to integrate this with our internet at Epsom and Ewell, and we have a very full programme of IT improvements which we are taking forward, with little scope to expand that work programme. On the council website and through the Council's customer services team we signpost customers to how and where they can report issues, whether they are for our services or the county services. We regularly receive reports from customers who use FixMyStreet where they have presumably downloaded the app, and which then come to us for action. We deal with these alongside any other service request.

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