



**LOCAL COMMITTEE
(REIGATE AND BANSTEAD)**

PUBLIC QUESTIONS

21 JUNE 2010

1. A question from Mr Michael Maddox, Chairman of Netherne on the Hill Residents Association:

“Netherne on the Hill (1500-2000 residents) is accessed via a steep road which is dangerous in icing conditions and inaccessible, even to emergency services, in moderate snowfalls. Netherne residents need to know the Council’s winter weather plan for this isolated community. Will the Council agree to grit Netherne Drive when freezing conditions are forecast and supply grit to designated bins throughout Netherne Village? Will the Council permit Netherne Management Limited to grit and clear snow from adopted roads in Netherne, and reimburse the costs?”

Response:

Subject to Netherne Drive being adopted it would be considered for inclusion on the priority 2 network. The provision of grit bins would need to be assessed under the criteria and any new placement will be subject to priority rating and available budget. It should be noted that the budget is under review and funds are likely to be restricted to the maintenance of existing grit bins.

During snow conditions we will use our best endeavours to grit roads on our gritting network, but resources do not allow us to clear all roads within the County. At the same time any self-help raises huge issues, Surrey are not able to release their non-delegable highways duties to resident’s groups. If members of the public either themselves or through independent contractors decide to effect snow clearance of roads not on our gritting routes, then they do so at their own risk, and liability for any accident or loss arising from such actions will be borne by them. In the same way, if they damage our network, they will have to pay for the repair. Any self help is outside the agreed service levels and would not be reimbursable by the Council.

2. Three Questions from Cllr Richard Wagner:

- i) “The underperformance of Surrey pupils at Key Stage 1 compared with minimum national expectations is disturbing, particularly in the light of the**

weighting of Surrey's budgets towards primary schools. It indicates that an ongoing problem will feed through to secondary schools, which will be hampered by the need to focus time and budget on remedial work at the expense of overall pupil development. But the Key Stage 1 figures are only Surrey-wide figures, unlike the secondary school figures that do show the Borough's schools separately. Could Key Stage 1 figures for Reigate and Banstead schools be provided, together with a commentary setting out what steps have been taken to resolve any local problems at Key Stage 1, what has been the cost of these and what the results have been?"

Response:

KS1 data is not published so it is not the norm to publish individual school results. Out of the 25 KS1 settings in Reigate & Banstead the majority of schools are above national averages and many greatly exceed national expectation. In addition nearly 50% are at or above Surrey averages. The implication here is that children enter schools with differing baselines. Some are below national expectation upon entry whilst others are above. Overall attainment at KS1 is above national averages and in line with Surrey averages. What is not reported is progress made throughout KS1. This is a measure to indicate where children enter and the amount of progress they make. Data indicates the majority of schools in Reigate & Banstead made very good progress and closed the gap.

The interesting element to consider is the KS2 results. These show that Reigate and Banstead are well above National averages- implying children have continued to make good progress through KS2.

Consequently the majority of pupils enter KS3 above national expectation. In comparison with statistical neighbours we are one of the top performing authorities at KS1 and KS2.

- ii) **"The admissions and school places section of the report makes no mention of existing or potential shortages in the Banstead area, yet County officers have demonstrated such a shortage of infant/junior places that developers have been ordered by planning appeal inspectors to make contributions to school expansion before they are allowed to build additional housing in the area. Could the facts for the Banstead area be provided along with a commentary on what measures are being taken and when?"**

Response:

Planning Areas in Reigate & Banstead:

Schools are arranged in Planning Areas. Primary school provision is planned according to Primary Planning Areas rather than by individual schools. In terms of primary pupils a reasonable distance for pupils to travel may extend beyond the boundaries of a Planning Area, particularly in urban areas. In rural areas schools are further apart and so the distance children may travel is significantly greater than that in urban areas. Therefore, planning is often carried out on the basis of more than one Planning Area, particularly in conurbations, to take account of the distance pupils travel. It is Surrey County Council (SCC) policy to provide local schools for local children, although parents/carers can exercise their right to apply for schools that are not the nearest to their home.

For the purposes of planning school places, SCC divides Reigate and Banstead into three main areas: Banstead, Reigate and Redhill, and Horley. These correspond to the areas into which Reigate and Banstead Borough Council divide the borough for planning purposes, with SCC treating the Reigate and Redhill conurbation as one area. These larger areas are composed of primary planning areas, with in the case of Horley, only one planning area.

The Banstead area, or northern area, is divided into two areas: the Tadworth, Walton and Preston primary planning area and the Banstead and Woodmansterne primary planning area.

Making requests for S106 contributions to mitigate the impact of a proposed development:

A S106 agreement may prescribe the nature of a development; secure compensation for loss or damage created by a development; or mitigate a development's impact. S106 education contributions are usually for the mitigation of the effects of a development.

The effects of a development are assessed through calculating the number of children that would be yielded by a proposed development. These additional children would put pressure on educational infrastructure and this effect must be mitigated. The SCC policy, which was in place prior to the tariff approach, was to require contributions for large developments. The policy is now to request a S106 contribution from all proposed eligible residential developments. Several of the districts in the County have adopted the tariff approach, or 'PIC' (Planning Infrastructure Contributions) approach. RBBC adopted a Planning Infrastructure Contributions Policy. Recent appeal decisions severely curtailed the contributions that RBBC feels able to collect.

A S106 contribution may only be collected if it can be demonstrated that there would be insufficient infrastructure – essentially school places – in the area of the proposed development. S106 contributions must fulfil the five tests given in the former Office of the Deputy Prime Minister (ODPM) circular 5-05. Since 6 April 2010 a request would be unlawful if it does not fulfil three tests given in paragraph 122 of the Community Infrastructure Levy Regulations (CIL) 2010. The requirement is now for increasingly rigorous processes and procedures. We hope to continue to be able to justify s106 requests, including at appeal.

Projected demand for places in Schools in the Banstead, or Northern, area:

Pupils attend secondary schools from a wide area. Secondary school provision is usually planned according to more than one primary planning area. Secondary schools often serve a whole District/Borough. In this case, although all secondary schools may serve residents of the whole Borough in 3 areas: Banstead, Reigate/Redhill and Horley. There is a greater choice of secondary schools in the Reigate/Redhill area and applications are made for places at secondary schools in the Reigate/Redhill area from residents from the other two areas.

In the Banstead area the secondary school currently has more than the Audit Commission threshold of 5 per cent spare places. Whilst the proposed development would apply pressure on schools in the Reigate area, and this would need to be mitigated, a request for a secondary contribution cannot currently be justified.

The Tadworth, Walton and Preston primary planning area is polarised, roughly divide by a north east to south west line. There is significant pressure on school places in

South Tadworth and the Kingswood, Lower Kingswood and Walton-on-the-Hill settlements, though less pressure in the Preston and Nork Wards.

Notwithstanding the current spare places in part of the planning area, the number of primary places in the South Tadworth, Kingswood, Lower Kingswood and Walton-on-the-Hill area is forecast to go below the Audit Commission 5 per cent threshold by 2010. Thus where a proposed development is in the geographic area with a current shortage of primary places a contribution can be justified.

A contribution for primary infrastructure cannot currently be justified in the Preston and Nork area.

Pressure on primary places in the Banstead and Woodmansterne area had sometimes been sufficient recently to justify requesting S106 contributions, although there was a dip in applications for places in September 2009, with a consequent dip in numbers. This dip has led to the underlying trend in the forecast model being revised downwards, as a recent fall in numbers reduces the confidence that number would continue to increase at the previous rate. Pressure on places in adjacent areas can also affect demand for places in an area.

iii) “Figures in section 6 of the report, on finance, are confusing. Paragraph 6.2 of the report appears to show that Borough schools received more by way of Standards Grant than the whole of Surrey. Paragraph 6.1 shows total funding made available to Borough schools was £63.1m, out of which £70.5m was delegated or devolved to the schools according to Paragraph 6.4.”

Response:

Please refer to Revised Report for Item 8 on this agenda.

3. A question from Mr Nick Powell (supporting information to question attached as Annex A):

“Could the County Council ensure that families from Netherne enjoy the same right to choose a local primary school as other residents in Surrey?”

Response:

Pressure on primary places for September 2010 is significantly higher than anticipated. The Netherne-on-the Hill area is in the southern part of the Banstead and Woodmansterne area, and residents here have experienced difficulty in obtaining a school place for September 2010. The demand on primary provision in the wider area has not been sufficiently high and has meant that S106 requests cannot be justified. With the recent increase in demand, it is possible that S106 requests could be justified in future years.

When a new primary school is finally provided in the Redhill area, this will reduce pressure on primary places, and should allow residents in the southern part of the Banstead and Woodmansterne area to access schools in the Reigate/Redhill conurbation.

4. A question from Mr Peter Morley, Chairman of Chipstead Residents Association:

"Given the continuing pressures on the Council's finances, in respect of SCC's Winter Service Plan what are the figures for a) the originally budgeted costs in 2009/10, b) the latest estimated or, if available, the actual costs in 2009/10, and c) the approved budget for 2010/11, what are the real-terms increases/decreases between b) and c) and, as a result, what are the anticipated, comparative levels of service between 2009/10 and 2010/11?"

Response:

- a) the originally budgeted costs in 2009/10 - £1.56m
- b) the latest estimated or, if available, the actual costs in 2009/10 - £2.25m
- c) the approved budget for 2010/11 - £1.56m

The 2009/10 expenditure included two major snow events, one before Christmas and one over the last week. A total of 74 salting runs had been undertaken. The 2010/11 budget is based on 40 precautionary salting runs (annual average).

Supplementary:

"In light of the answer, what will the Council's policy be for the winter of 2010/11 with regard to those communities, individuals and businesses that wish to help the Council by undertaking local initiatives for coping with the effects of severe winter weather and, in particular, will it please fully clarify the uncertain legal position concerning, for example, any potential liability for the clearing of snow and ice from pavements by residents and shopkeepers, and the use of private vehicles for removing snow and ice from local roads?"

The liability will be with the individual working on the highway:

The legal position is that if a member of the public decides to clear ice and snow from outside their home or shop, then provided that in doing so they do not create an obstruction or a foreseeable risk of injury, there is no reason for them to render themselves liable to anyone who falls on the surface cleared. For example, if hot water was used in clearing the ice and snow, it is foreseeable that this would create more ice. Also, if in clearing snow a mound of snow is left on the highway, it could create an obstruction. Straightforward clearance is perfectly in order. As with all actions taken by members of the public, people should act sensibly and consider the effect their actions might have on other highway users. Provided and snow cleared is carried out responsibly and without creating further hazards which could lead to a passer by injuring themselves, then there would be no liability for such action.

5. A question from Ms Catalina Vassallo-Bonner, Secretary to Banstead and District Federation of Residents' Associations:

"In respect of salt-bins, is the Council aware that its records of both numbers and locations are substantially out-of-date; what is it doing to update these records; and will it be the Council's policy to provide sufficient salt of all bins to be filled before, and replenished during, the winter of 2010/11, if necessary with the help of willing local committees?"

Response:

A review of the salt bins was undertaken in 2009/10 it has nevertheless been recognised that a more detailed survey is required and this is currently in progress. The service level for the provision of the salt bin service is under review.

Supplementary:

“Given that the Council does not normally grit the pavements of small shopping parades throughout the county, preferring instead to concentrate on the major towns within the county, would the Council be prepared to supply, and keep stocked, salt bins for the use of shopkeepers in those parades such as Burgh Heath, Kingswood, Walton, Nork, Woodmansterne, Tattenham Way, Tattenhams and Tadworth which are in the higher parts of the county.”

Response:

Request to be considered as part of review.

6. A question from Ms Trish Canham, Vice-Chairman, Banstead and District Federation of Residents' Associations:

"Does the Council agree that, especially in areas where no town or parish councils exist, residents' associations can perform a useful information conduit and, perhaps, action task force when assessing the condition of roads and pavements between the Council and local communities and, if so, will it cooperate urgently with the BDFRA and others to identify and actively promote appropriate initiatives in good time for preparing for the winter of 2010/11?"

Response:

The Local Highways Manager and Maintenance Engineer currently collate information from the public on the condition of the network for informing operations on priorities. Groups such as the BDFRA would form an important conduit in this process and enable use to provide a more uniform response to a winter event.

7. A question from Ms Gillian Hein, Vice-Chairman, Tadworth and Walton Residents' Association:

“What is the Council's definition of an isolated community, who is responsible for preparing and updating lists of such communities, and is the Council prepared to make it a high priority for every isolated community to have a least one road kept sufficiently clear of snow and ice, so as to allow residents to access by car via a priority salting route?”

Response:

Access to isolated communities had been developed as part of our response to the salt shortage and the need to reduce the network to “A” roads only. The communities had been identified in consultation with the Area Offices and Asset Planning Group. Within this group we are only able to include the high priority communities off the “A” road network and due to the restricted service will not include every community. All identified communities will include a single access point.

Supplementary:

“Does the Council agree that, especially in areas where no town or parish councils exist, residents' associations can perform a useful information conduit and, perhaps, in some cases, assist in assessing the condition of the roads and pavements, and liaising between the council and local communities? If so, will it cooperate with the Banstead Federation and others to identify and actively promote appropriate initiatives in good time for preparing for the winter of 2010/2011?”

Response:

Agreed - The Local Highways Manager and Maintenance Engineer currently collate information from the public on the condition of the network for informing operations on priorities. Groups such as the BDFRA would form an important conduit in this process and enable use to provide a more uniform response to a winter event.

NOTES:

- (i) Surrey County Council's constitution, (Standing Order 66) requires that public questions be sent in writing to the Local Committee and Partnership Officer at least 7 days before the meeting.
- (ii) At the discretion of the Chairman, a member of the public who has given notice of a question may ask one supplementary question relevant to the subject of the original.