

Council

A meeting of Council was held on Wednesday, 29th January, 2014.

Present: The Worshipful the Mayor (Cllr Mrs Kathryn Nelson); Cllr Mrs Lynne Apedaile, Cllr Paul Baker, Cllr Jim Beall, Cllr Derrick Brown, Cllr Mark Chatburn, Cllr Julia Cherrett, Cllr Carol Clark, Cllr Michael Clark, Cllr Robert Cook, Cllr Nigel Cooke, Cllr Gillian Corr, Cllr Evaline Cunningham, Cllr Phillip Dennis, Cllr Ken Dixon, Cllr Robert Gibson, Cllr Barbara Inman, Cllr Mohammed Javed, Cllr Eileen Johnson, Cllr Elliot Kennedy, Cllr Jean Kirby, Cllr Paul Kirton, Cllr Terry Laing, Cllr Miss Tina Large, Cllr Colin Leckonby, Cllr Ray McCall, Cllr Mrs Ann McCoy, Cllr Mick Moore, Cllr Steve Nelson, Cllr Maurice Perry, Cllr David Rose, Cllr Andrew Sherris, Cllr Michael Smith, Cllr Andrew Stephenson, Cllr Norma Stephenson O.B.E, Cllr Mick Stoker, Cllr Tracey Stott, Cllr Steve Walmsley, Cllr Mrs Sylvia Walmsley, Cllr David Wilburn, Cllr Norma Wilburn, Cllr Mrs Mary Womphrey, Cllr Mick Womphrey, Cllr Bill Woodhead and Cllr Barry Woodhouse.

Officers: N Schneider (CE); J Danks, B Brown (R), J Humphreys (CESC); P Dobson (DNS); P Kelly (DPH); D E Bond, P K Bell (LD).

Also in attendance: John Fletcher, Members of the public.

Apologies: Cllr David Coleman, Cllr Ian Dalgarno, Cllr Kevin Faulks, Cllr John Gardner, Cllr David Harrington, Cllr Ben Houchen, Cllr Alan Lewis, Cllr Ken Lupton, Cllr Jean O'Donnell, Cllr Ross Patterson and Cllr Mrs Maureen Rigg.

C Declarations of Interest

93/13

There were no interests declared.

C Minutes

94/13

The minutes of the special meeting and ordinary meeting held on 11th December 2013 were signed by the Worshipful the Mayor as a correct record.

C Public Question Time

95/13

The following question was submitted by John Fletcher for response by the Cabinet Member for Regeneration and Transport:-

"As the ending at the end of March 2014 of Stockton Council's subsidies to bus operators to operate Boroughbus services is thought likely to result in the withdrawal of some or all such services, as Chairman of this borough's Public Transport Users' Forum I ask whether he please:-

a. Explain how and when (up to now and in the future) councillors representing wards served by such services are being informed and consulted:

b. Say whether he is satisfied with the steps already taken to consult residents and parish and town councils and obtain their feedback;

c. Set out what this council proposes to do to inform residents and parish and town councils of what is going to happen; and

d. Assure me that steps have already been taken (and will be taken when the picture evolves further) to ensure that the need to adapt service delivery to clients' difficulties of access by public transport is brought to the attention of council departments and other people serving residents of this borough, such as those in the NHS and the Department for Work & Pensions?"

The Cabinet Member for Regeneration and Transport responded with:-

"It is important to note that since 2010 the Council has faced unprecedented reductions of over £50m in Government funding to this Council.

The need to protect the most vulnerable in society remains a key priority. With that in mind, the Council took the decision to remove the subsidy for supporting bus services where there is limited commercial viability.

We have however, made available £400,000 of funding to local communities, to provide more Community based transport solutions.

It is also important to recognise that some services may be retained by the Bus Operators and operated on a commercial basis, for example we are already aware that Arriva plan to operate a revised Service 6 that will serve Hartburn and Stillington.

a. All Councillor's were made aware of the reductions in subsidy as part of the Full Council meeting in June 2013 where the decision was made as part of the financial planning process.

Consultation on solutions for communities has been ongoing from the latter part of 2013 with specific engagement with:-

- All Town and Parish Councils
- Key third sector partners that represent the affected communities

This process remains ongoing with community consultation just concluding, the results of which will be shared in a further meeting in February.

b. Yes I am satisfied, this is an ongoing process and is wide reaching across all affected communities as already described. It is difficult, at this stage, to finalise solutions as details of which routes commercial operators may chose to run is not yet known. Once we have this information we will be able to work more closely with those areas affected to look at potential solutions based on what the community have told us their needs are.

c. There was a meeting held on 13th November 2013 with Town and Parish Councils, Community Groups and Third Sector Organisations to explain the process outlined above.

This is to be followed up with a further meeting planned for 13th February to feedback on findings and update on the current position regarding commercial services. There will also be a further update provided to residents on 15th February at the Stockton-On-Tees Public Transport Forum.

These will be supplemented by Press Releases and articles in Parish Newsletters and Stockton News.

d. We recognise the need to work across service areas and key organisations in the area and in particular around the issue of accessibility, particularly with the CCG and the wider NHS providers.

John Fletcher asked the following supplementary question:-

"Given that some organisations were missed out of the consultation in November, would Cllr Smith not agree that it would have been desirable for the Council to have consulted with the Area / Locality Forums, which it set up some years ago to involve representatives of community organisations and business, so that they could have spread the word among the communities and businesses which their members represented?"

The Cabinet Member for Regeneration and Transport responded with:-

"The sector you are talking about has recently been re-structured but as I have outlined we are still out to consultation with key sectors. We need answers from the people that are affected by the proposals and we have in particular with this in mind consulted with Town and Parish Councils and key third sector partners that represent the communities affected."

**C
96/13** **Members' Policy Seminar Programme**

Consideration was given to a report that provided Council with an overview of content from the Members Policy Seminars in December 2013 and January 2014. The Seminars provided updates from the Police and Crime Commissioner and Cleveland Fire Brigade. Both presentations set out performance details and future service and financial plans.

RESOLVED that the report be noted.

**C
97/13** **Stockton-on-Tees Local Plan: Gypsy, Traveller and Travelling Showpeople Site Allocations Local Development Document Regulation 18 Consultation Draft and The Stockton-on-Tees Gypsy and Traveller Accommodation Needs Assessment Update, 2012**

Consideration was given to a report on the Stockton-on-Tees Local Plan: Gypsy, Traveller and Travelling Showpeople Site Allocations Local Development Document Regulation 18 Consultation Draft 2014 and The Stockton-on-Tees Gypsy and Traveller Accommodation Needs Assessment Update, 2012

The Gypsy, Traveller and Travelling Showpeople Site Allocations Local Development Document (LDD) would, when adopted, form part of Stockton-on-Tees Local Plan which would provide the local policy basis for the determination of planning applications within the Borough.

The LDD was being produced as a result of national planning policy contained within Planning Policy for Traveller Sites, which required local authorities to maintain a five year supply of deliverable sites against locally set targets. Failure to provide allocations to meet the identified need would make it far more likely that the Council would lose appeals if planning applications were refused, resulting in additional costs and piecemeal development of Gypsy and Traveller sites. It was also likely that the Regeneration and Environment Local Development Document would be found unsound if the Council did not identify a site allocation in the Local Plan.

The Gypsy, Traveller and Travelling Showpeople Site Allocations LDD would make provision for the accommodation of Gypsies and Travellers within Stockton-on-Tees Borough through the allocation of sites based on the need for pitches identified within the Stockton-on-Tees Gypsy and Traveller Accommodation Needs Assessment Update, 2012. The intention of the document was not to identify a site for the Council to develop and run but to allocate suitable land for such a use should members of the Gypsy and Traveller community choose to do so.

The Stockton-on-Tees Gypsy and Traveller Accommodation Needs Assessment Update, 2012 formed part of the evidence base for the LDD and identified a need for 26 pitches within the Borough until 2027. This study updated the findings of a Tees Valley Gypsy and Traveller Accommodation Needs Assessment (TVGTAA) which was published in 2009 and identified a requirement of 34 pitches for the Borough until 2021.

The LDD required a period of public consultation before it could be moved on to the next stage in production. The report sought the agreement for the Gypsy, Traveller and Travelling Showpeople Site Allocations LDD, Sustainability Assessment and Habitats Regulations Assessment and the updated Needs Assessment to be made available for a period of public consultation.

The LDD set out the Council's approach to allocating sites within the Borough and included consideration of issues relating to the need for transit pitches and accommodation for Travelling Showpeople, although it was not proposed to allocate transit pitches or plots for Travelling Showpeople at this stage. The main focus of the document was upon the provision of permanent residential pitches due to the need identified within the 2012 GTAA Update.

The LDD provided details of the minimum requirements for an acceptable residential pitch and set out a number of options for the distribution of sites within the Borough. The Council's preferred option for site allocations was informed at a Member's policy briefing on 29 October 2013 and involved the allocation of one larger site of up to 15 pitches and the remaining need of 11 pitches provided on smaller sites.

6 site options for allocation were detailed within the LDD, which was attached to the report, and were as follows:-

- Land to the rear of Roddmere, Yarm Back Lane, Stockton
- Land on Frederick Street, Stockton
- Land between Bowesfield Crescent and the River Tees, Stockton
- Land on Mill Lane, Billingham
- Land on Eltham Crescent, Thornaby
- Land between the River Tees and Thornaby Road, Thornaby

These included one privately owned site and 5 Council owned pieces of land that had been shortlisted through a technical assessment of sites. The document also included an invitation to landowners, or those with an interest in an area of land, to submit sites for consideration as an allocation.

The sites identified within the LDD were options for potential allocation and were not all required to meet the identified need for Gypsy and Traveller pitches.

Other sites might be submitted during the consultation period and the boundaries of some or all of the current site options might be reduced, or otherwise altered, as a result of further assessments prior to the next stage of the LDD. Similarly, the potential yield figures included within the LDD for each site were an indication of the expected potential of each site. Some sites, if developed, might provide less pitches than the estimate.

Following endorsement by Cabinet and Full Council, the Gypsy, Traveller and Travelling Showpeople Site Allocations LDD Regulation 18 Consultation Draft 2014 together with the supporting documents and assessments would be made available for a period of public consultation scheduled to commence on 3 February 2014 for a period of 6 weeks, closing on 17 March 2014.

During the period of public consultation, the Council would seek to involve the statutory consultees, members of the public and other stakeholders through:-

- The provision of a public notice;
- Publishing any relevant documents on the Council's website
- Making information and relevant documents available in Planning reception and in all libraries in the Borough
- Writing letters and emails to everyone on the Local Development Framework Consultation Database, informing them of the process for getting involved
- Writing and distributing press releases to local media;

It was considered necessary to take further steps to ensure that members of the Gypsy and Traveller communities were involved in the consultation and a consultation strategy had been developed in association with officers from the Communications and Policy, Improvement and Engagement teams.

Following the public consultation period, the comments received would inform the further development of the document and the selection of the preferred site/s for allocation. The next stage of the document was Publication and it was expected that the Publication Draft of the LDD would be released for public consultation in July 2014 with adoption of the final document being in May 2015.

Moved by Councillor Smith, seconded by Councillor Cook that:-

1. The Gypsy, Traveller and Travelling Showpeople Site Allocations LDD Regulation 18 Consultation Draft 2014 and its associated assessments (Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)) be endorsed for a period of public consultation;
2. The findings of the Stockton-on-Tees GTAA Update 2012 be endorsed as the evidence base for the LDD;
3. Any further changes to the documents prior to the consultation period be delegated to the Head of Planning in consultation with the Cabinet Member for Regeneration and Transport.

In accordance with Council Procedure Rule 16.4 Councillor Laing requested that a recorded vote be taken; which was supported by at least a quarter of the members present.

For the motion:-

Councillors Baker, Beall, Mrs Clark, Clark, Cook, Cooke, Cunningham, Dixon, Gibson, Inman, Javed, Johnson, Kirton, McCall, Mrs McCoy, Mrs Nelson, Nelson, Rose, Smith, Norma Stephenson, Stoker, Stott, Wilburn, Mrs Wilburn and Woodhouse.

Against the motion:-

Councillors Apedaile, Brown, Chatburn, Cherrett, Corr, Dennis, Kennedy, Kirby, Laing, Large, Leckonby, Moore, Perry, Sherris, Andrew Stephenson, Walmsley, Mrs Walmsley, Mrs Womphrey, Womphrey and Woodhead.

The motion was carried.

RESOLVED that:-

1. The Gypsy, Traveller and Travelling Showpeople Site Allocations LDD Regulation 18 Consultation Draft 2014 and its associated assessments (Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)) be endorsed for a period of public consultation;
2. The findings of the Stockton-on-Tees GTAA Update 2012 be endorsed as the evidence base for the LDD;
3. Any further changes to the documents prior to the consultation period be delegated to the Head of Planning in consultation with the Cabinet Member for Regeneration and Transport.

**C
98/13**

Motion

The following motion was submitted in accordance with Council Procedure Rule 12.1 by Councillor Laing:-

"That this Council agrees to notify Ward Councillors and the owners and occupiers of neighbouring properties of their intention to procure any premises for the purpose of providing children's homes within the Borough, prior to the completion of any purchase contract.

And to ensure that Members can satisfy their stewardship responsibilities, required by the Members Code of Conduct regarding the authorities prudent use of resources, that the costs of purchasing such properties, for this purpose, be reported to Cabinet in advance of any undertaking being completed."

The motion was not carried.

**C
99/13**

Members' Question Time

The following question was submitted by Councillor Walmsley for response by the Cabinet Member for Corporate Management and Finance:-

"Who, or which body, paid for the demolition of the Saltergill School buildings?"

As the Cabinet Member for Corporate Management and Finance was not in

attendance at the meeting the Leader of the Council responded with:-

"Under the terms of the sale the purchaser was required (at his own expense and as soon as was reasonably practical) to demolish all of the buildings on the site, excluding the former caretaker's bungalow. Whilst there was no requirement to demolish the bungalow the purchaser became responsible for the building upon completion of the sale on 21 March 2011."

Councillor Walmsley asked the following supplementary question:-

"I'm told that the site hasn't been fully paid for after some years and that purchase was by installments. Does that include lost interest?"

The Leader of the Council responded with:-

"The sale of the land was completed on 21 March 2011; £50K was received on exchange of contracts; the full purchase price was £500K; this is payable in two instalments. The first was received on completion; the second is payable on the earlier of the opening of the hotel to be constructed on the adjacent site or the third anniversary of the completion date (ie 21 March 2014).

The following question was submitted by Councillor Walmsley for response by the Cabinet Member for Corporate Management and Finance:-

"If planning and licensing committees are deemed quasi-judicial and presumably based on individual judgement, why is there a need for political proportionality?"

As the Cabinet Member for Corporate Management and Finance was not in attendance at the meeting the Leader of the Council responded with:-

"Local Government legislation requires local authorities to secure a political balance on their committees, sub-committees and joint committees, which reflects the overall political balance of the local authorities themselves.

The reasoning behind this requirement, put forward in the Government's (1988) response to the Widdicombe Committee report was to counter the potential for a majority party on a Council to exclude members of other parties from committee membership altogether, or to severely restrict their membership."

Councillor Walmsley asked the following supplementary question:-

"If we accept that officers have the power of veto over elected Members despite all the training Members must undergo, isn't the veto tacit admission that those who the electorate place trust in are too stupid to make a judgement and that officers are in fact our minders?"

The Leader of the Council responded with:-

"We have to make sure that if we refuse applications they are refused for the right reasons as if we are taken to appeal and we lose the appeal it could cost the Council thousands of pounds."

Councillor Walsmley withdrew his third question.

C National Councillor of the Year Awards

100/13

The Worshipful the Mayor informed Members that Councillor Cooke and Councillor Rose had been shortlisted in the National Councillor of the Year Awards.

Councillor Cooke had been shortlisted for the Scrutineer Category and Councillor Rose had been shortlisted in the Environmental Champion Category.

The awards ceremony would be held in London on 24th February 2014.

C Forward Plan and Leader’s Statement

101/13

The Leader of the Council gave his Forward Plan and Leaders Statement.

Cabinet met on 15th January 2014 and considered a wide range of issues, the following significant items were considered in addition to regular items:-

- A review of the performance of the Children’s Centres in the borough
- An update on the Tees Credit Union
- A report from the Corporate and Social Inclusion Select Committee on it’s review of NEPO
- A report from the Chief Executive on plans to build greater capacity and resilience in the organisation
- A report on the draft Gypsy and Traveller and Travelling Showpeople site allocations Local Development document

Looking ahead Cabinet would next meet on the 13th February. When it would be looking at:-

- A report on Great War Commemoration plans
- An update on development in our Town Centres
- The Annual Audit Letter
- A report on the Scrutiny Review of Use of Demographic Information
- The Commemoration of Individuals / Councillors
- A report on the Youth Offending Service Inspection
- The Council Plan for 2014-2017
- An update on Preston Hall
- An update on our Housing Regeneration Schemes
- A report on the Scrutiny Review of the Performance of Housing Providers

Cabinet would then meet again on 20th February to consider the MTFP for 2014-17 before Special Council to consider the MTFP on 26th February.

Mayor.....