

# Council

A meeting of Council was held on Wednesday, 21st January, 2015.

**Present:** The Worshipful the Mayor (Cllr Barbara Inman); Cllr Mrs Lynne Apedaile, Cllr Paul Baker, Cllr Jim Beall, Cllr Derrick Brown, Cllr Mark Chatburn, Cllr Carol Clark, Cllr Michael Clark, Cllr Robert Cook, Cllr Nigel Cooke, Cllr Gillian Corr, Cllr Evaline Cunningham, Cllr Ian Dalgarno, Cllr Phillip Dennis, Cllr Ken Dixon, Cllr John Gardner, Cllr Robert Gibson, Cllr Ben Houchen, Cllr Mohammed Javed, Cllr Eileen Johnson, Cllr Paul Kirton, Cllr Terry Laing, Cllr Colin Leckonby, Cllr Alan Lewis, Cllr Ray McCall, Cllr Mrs Ann McCoy, Cllr Mick Moore, Cllr Mrs Kathryn Nelson, Cllr Steve Nelson, Cllr Mrs Jean O'Donnell, Cllr Ross Patterson, 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 and Cllr Barry Woodhouse.

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

**Also in attendance:** Members of the public.

**Apologies:** Cllr Julia Cherrett, Cllr David Coleman, Cllr Kevin Faulks, Cllr David Harrington, Cllr Elliot Kennedy, Cllr Jean Kirby, Cllr Tina Large, Cllr Ken Lupton, Cllr Maureen Rigg and Cllr Bill Woodhead.

## **C       Declarations of Interest**

**86/14**

Councillor Cook declared a personal non prejudicial interest in respect of agenda item 10 - Motion to Council as he was the Agent for Alex Cunningham MP.

## **C       Minutes**

**87/14**

The minutes of the meeting held on 19th November, 2014 (Minutes C 76/14 – C 85/14) were signed by the Worshipful the Mayor as a correct record.

## **C       Looked After Children and Care Leavers' Young Person of the Year Award 88/14 - Rebecca Best**

A presentation was made to Rebecca Best who had won Looked After Children and Care Leavers' Young Person of the Year Award.

Each year the Leaving Care Team had an achievement night to recognise the educational achievement of young people 16+ who were looked after by Stockton Borough Council. The highlight of the night was the Young Person of the Year award. This year's winner was Rebecca Best.

## **C       Public Question Time**

**89/14**

The Director of Law and Democracy informed the Worshipful the Mayor that no Public Questions had been received.

## **C       Members Policy Seminar Programme**

**90/14**

Consideration was given to a report that provided Council with an overview of content from the Members Policy Seminar in December 2014 that included a presentation on Private Sector Housing.

RESOLVED that the report be noted.

**C  
91/14 Children and Young People's Health and Wellbeing Joint Commissioning Group - Amendments to Rules of Procedure (Membership)**

Consideration was given to a report on the Children and Young People's Health and Wellbeing Joint Commissioning Group - Amendments to Rules of Procedure (Membership).

At its meeting, held on 23 July 2014, the Council considered and approved governance arrangements relating to the Children and Young People's Health and Wellbeing Joint Commissioning Group.

When the governance arrangements for the Joint Commissioning Group were agreed by Council, a representative from Healthwatch was identified within its membership, in error. Healthwatch was a service provider within the Borough and therefore there were potential conflicts of interest associated with it having representation on one of the Council's Joint Commissioning Groups.

Members noted that Healthwatch was a statutory member of the Health and Wellbeing Board and also had representation on the Council's Children and Young People's Partnership. Both of these had close links with the Joint Commissioning Group.

RESOLVED that Healthwatch be removed from the membership of the Children and Young People's Health and Wellbeing Joint Commissioning Group.

**C  
92/14 Local Plan: Regeneration & Environment Local Plan (RELP) Publication Version - Approval for Public Consultation.**

Consideration was given to a report on the Local Plan: Regeneration and Environment Local Plan (RELP) Publication Version – Approval for Public Consultation.

The report sought approval for the Publication version of the RELP, its associated policies map and supporting assessments, documents and studies which provided the remaining parts of the evidence base which had informed the development of the policies contained in the document for a period of public consultation in February - March 2015. This was the final consultation period for the draft plan before it was submitted to the Secretary of State for Communities and Local Government for examination by an independent Planning Inspector.

The report summarised the contents of the RELP and explained the supporting documentation which accompanied it and the next stages in the plan preparation process before the plan could be adopted and used by the Council in determining planning applications.

The text of the RELP, the policies map and all other supporting documentation were available both electronically on the Stockton Council website agenda and in hard copy in the members' library. The Character Areas Study, previously endorsed by Cabinet, would also be available as part of the consultation. The updated plan would supersede some parts of the adopted Core Strategy and amended copies of these highlighting where the changes would occur were also available.

With regard to the next steps once the plan and associated documentation had been agreed, there would be a six week period of public consultation and, unless a fundamental flaw to the plan emerged through the consultation process, this would be the version of the plan which would be submitted to the Secretary of State for examination - in - public.

The Publication consultation was a more formal one than those previously held and those making representations would be asked to comment on whether the preparation of the plan and its contents passed the tests of soundness. This meant that the plan was positively prepared, justified, effective and consistent with national policy.

Once the Council had considered all the representations it received at the Publication stage, it could amend the plan before submitting it to the Secretary of State if it considered it necessary. Often some minor amendments were made, but if the Council considered that more significant changes were required, a further period of consultation would be required before the plan was submitted. At Submission, the Council had to provide a written summary of all of the issues raised throughout the preparation of the plan and state how the issues raised at Publication had been dealt with.

The Planning Committee had considered the RELP at its meeting held on 14th January 2015 and they made the following comments:-

1. With regard to the land south of Cayton Drive, this site has been the subject of 2 separate planning applications that have been refused by the Planning Committee, neither of which have been taken to appeal. They also formed part of the Tees Heritage Park and are areas of open space valued by local residents.
2. The area of land at Tilery behind the football pitches should be taken out of the open space / Great North Park and re-designated.

Cabinet had considered the item on 15th January 2015 and a copy of the relevant minute extract had been sent to Members.

In particular, Cabinet had agreed that with regard to the area south of Cayton Drive in order to protect this area and to reinforce the decisions taken by the Planning Committee, the site at Thorntree Farm and land to the south of Cayton Drive which were proposed by Officers for removal from the green wedge as part of the RELP should be reinstated as such, that Cayton Drive site should be removed as a potential housing site under Policy H22 and that they should both remain as open space and part of the Tees Heritage Park.

With regard to the area of land behind Tilery football pitches Cabinet considered that this land should remain designated as open space as in the RELP.

RESOLVED that:-

1. The Publication version of the Regeneration & Environment Local Plan and policies map and associated Sustainability Appraisal, Habitats Regulations Assessment, Infrastructure Strategy, Whole Plan Viability Assessment and

Consultation Statement be endorsed for a period of public consultation from February to March 2015.

2. The officers' responses to comments made to the Preferred Options version of the RELP which are contained in the Schedule of Responses attached to the Consultation Statement and in topic papers entitled Wynyard, Yarm and Kirklevington, Housing Need and Demand, Housing Site Selection Process and Health and Safety Executive Assessment of Site Allocations be endorsed.

3. The updated Villages Study 2014 and the Green Wedge Review 2014 as evidence base to the RELP be endorsed, subject to the amendment contained at recommendation 5.

4. The proposed amendments to the adopted Core Strategy to reflect the changes resulting from the Core Strategy targeted review of the Housing Strategy and the RELP be endorsed.

5. The site at Thorntree Farm and land to the south of Cayton Drive which were proposed by Officers for removal from the green wedge as part of the RELP be reinstated as such, that Cayton Drive site be removed as a potential housing site under Policy H22 and that they remain as open space and part of the Tees Heritage Park.

6. Any further minor changes be delegated to the Head of Planning in consultation with the Portfolio holder for Transport and Regeneration.

**C  
93/14      Community Infrastructure Levy (CIL) - Preliminary Draft Charging  
Schedule - Approval for Consultation.**

Consideration was given to a report on Community Infrastructure Levy - Preliminary Draft Charging Schedule – Approval For Consultation.

A new planning charge came into force under the previous Government on 6th April 2010 under the Community Infrastructure Levy (CIL) Regulations 2010. It allowed local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The money could be used to fund a wide range of infrastructure needed as a result of development. This included transport schemes, flood defences; schools, hospitals and other health and social care facilities, parks, green spaces and leisure centres.

In July 2011, the Council resolved to adopt the CIL as the principal means of funding infrastructure. However it required the setting of a Levy which reflected the costs of the infrastructure, was proportionate, was sound and robust, and had been subject to consultation and testing by an independent Examiner.

The setting of the Levy required the preparation of a Preliminary Draft Charging Schedule and evidence base documents, and that these were published for consultation. Following consultation and any amendments, the resultant document, known as the Draft Charging Schedule would then be submitted for independent examination and if approved, adopted and implemented by the Council.

The Community Infrastructure Levy Viability Assessment set out the proposed

charging rates and justification for those rates. Information in respect of the Infrastructure Funding Gap identified projects and gaps in funding which justified setting a Charging Schedule, a draft Regulation 123 List which set out those projects or types of infrastructure which would be funded by the CIL and confirmed the Council's approach in this respect. The Preliminary Draft Charging Schedule set out the CIL rates and approach to setting the CIL Charge, the approach to a future Relief and Instalment Policy, and the relationship between CIL and Section 106. The infrastructure planning work identified a total cost of £229,925,000 to 2030 and the funding gap was £190,981,000.

It was envisaged that further reports would be taken to Cabinet to agree the Draft Charging Schedule for consultation, to report on the outcome of that consultation and the documents to be submitted for Independent Examination. Consideration would also need to be given to the method by which spending priorities would be determined.

The Planning Committee had considered the CIL at its meeting held on 14th January 2015 and they had made the following comments:-

1. With regard to the boundaries of the charging zones for residential development that would form part of the Preliminary Draft Charging Schedule, the allocation of Hardwick into a High Value Zone be looked at again.

Cabinet had considered the item on 15th January 2015 and a copy of the relevant minute extract had been sent to Members.

In particular Cabinet considered that Hardwick should remain in the High Value Zone as this had been the finding of the commissioned viability assessment that had been carried out.

RESOLVED that:-

1. The contents of the report be noted.
2. Stockton's CIL Economic Viability Study and Charging Zones be endorsed.
3. The Charging Rates in the report and the attached Preliminary Draft Charging Schedule and Draft Regulation 123 list be agreed.
4. The Council undertake consultation on the Preliminary Draft Charging Schedule, Charging Zone Map and Draft Regulation 123 List.
5. Delegated powers be granted to the Head of Planning in consultation with the Cabinet Member for Regeneration and Transport to make minor amendments to consultation documents as necessary prior to consultation.
6. Further reports be submitted, in due course, to report on the outcome of the consultation on the Preliminary Draft Charging Schedule and subsequent modifications, a Draft Charging Schedule be agreed for consultation, to report on the outcome of that consultation, and to agree to documents prior to Examination in Public.

**Motion**

The following motion had been submitted in accordance with Council Procedure Rule 12.1 by Councillor Cook:-

"At a time of reducing budget allocations and increased demand for Council Services, this Council has taken a range of steps to understand the impact of the Welfare Reform changes and has taken an evidence-based approach to changes in policy and service delivery. These include establishing a multi-agency welfare reform board to tackle emerging issues, undertaking research to determine the evidence of impact, amending policies to protect the vulnerable, promote equality of opportunity, develop strong and healthy communities and create economic prosperity. The work of our local strategic partnership is focussed on maximising family income and giving every child the best start in life. We have, and continue to, work with others to support individuals who are most affected by welfare reform changes.

As part of this activity and monitoring of impact, since the changes to sanctions were introduced in October 2012 we have noted not only an increase in the number of Job Seekers Allowance (JSA) and Employment and Support Allowance (ESA) sanctions (63% increase in JSA sanctions comparing the period Dec 2011-November 2012 with the period July 2013 to June 2014 (latest data) and a 481% increase in ESA sanctions over the same period. We have also noted high levels of non-adverse decisions (i.e., overturned on appeal). Some 2,410 JSA non adverse decisions (averaging 196 per month) , which equate to 24.2% of all JSA decisions and some 108 ESA non adverse decisions ( average 9 per month) which equates to 21.1% of all decisions.( July2013 – June 2014 data). Based on latest data released by the Department of Works and Pensions (DWP), combined with other outcomes on sanction decisions, confirmed decisions constitute around half for JSA and 45% for ESA, causing avoidable hardship to those inappropriately sanctioned within DWP's own rules. These figures clearly indicate that there is something fundamentally wrong with the system where about half of the decisions are subsequently proven to be wrong.

We have also noted using the same data source a disparity of impact of the sanctions policy across regions and particularly between northern and southern regions.

Locally, we are developing a positive and professional working relationship with DWP representatives. It would appear that a change of culture imposed on local job centre staff, from one of supporting claimants into work to more of a culture of getting people off benefits by whatever means, leads to inflexibility in applying criteria appropriately. Case studies evidence that both the policy and the inflexibility are at the heart of many of the cases, cited in these statistics.

As a result, the following was proposed:-

"Council is deeply concerned that some of our most vulnerable residents are at risk of avoidable destitution due to the unreasonable use of sanctions by the DWP.

It resolves to write to the DWP making this concern clear and asking for an

immediate halt to the inappropriate use of sanctions against vulnerable people.

Council further resolves to write to our MPs requesting that they raise this deplorable situation with the responsible Minister urging an immediate review of national policy and guidance on sanctioning.”

The motion was carried.

### **C**

**95/14**

#### **Members' Question Time**

The following question had been submitted by Councillor Walmsley for response by the Leader of the Council:-

“What was the cost to the public of the postal exercise – held instead of a binding referendum - which led to the establishment of the current SBC Leader / Cabinet model?”

Councillor Walmsley agreed to receive a written response to his question.

**C**

**96/14**

#### **Forward Plan and Leader's Statement**

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

Since Council had last met on the 19th November, Cabinet had met on the 4th December and the 15th January. In addition to the regular standing items Cabinet considered:-

- The Quarter 2 Finance Outturn and MTFP Report
- The Quarter 2 Performance Report
- A report on the Employee Survey
- A report on Children's Social Care Activity & Performance
- A report on the School Organisation Plan
- A report on Combined Authority arrangements
- The Quarter 2 Welfare Reform Update
- A report on the Annual Assurance Statement
- A report on Ingleby Barwick Community Centre
- An update on the Northshore Regeneration Scheme
- The Annual Audit letter
- A report on the activity of the Disability Advisory Group
- An update on the work of the Stockton Safeguarding Vulnerable Adults Board
- And considered the Community Infrastructure Levy and Regeneration and Environment Local Plan for consultation.

Looking ahead to the next Cabinet meeting to be held on the 12th February significant items on the agenda to be considered were as follows:-

- A report on the 2014 Care Act
- An update on the deprivation of Liberty Safeguards
- An update on the Asset Review
- The 2015-18 Council Plan
- A report on the Member Learning & Development Strategy 2015 - 2019

and the Induction Programme for Members following the Local Government Elections in May

- A report on the review of Children, Education and Social Care Delivery Arrangements
- A report on the Tees Valley Combined Authority
- A report from the Scrutiny Review of Road and Footpath Investment Opportunities
- The Director of Public Health's Annual Report

Cabinet would also meet on the 19th February to consider the MTFP. As always, the Council was busy planning for a number of exciting events coming up across the Borough. On 21st March 2015 there would be a celebration for the completion of the works to Stockton Town Centre. There was also still time to sign up for the next duathlon which would take place on 26th April 2015, entry levels were good so it looked as if it would be another great event at the riverside.

Finally, the Leader looked forward to seeing Members at the next Council meeting on 25th February to consider the MTFP.