

Date: Wednesday 24 January 2024 at 6.00 pm

Venue: Baptist Tabernacle Auditorium, The Square, Stockton on Tees, TS18 1TE

AGENDA

- 1 Welcome**
- 2 Apologies for Absence**
- 3 Declarations of Interest**
- 4 Minutes**
To approve the minutes of the last meeting held on 22 November 2023. (Pages 9 - 20)
- 5 Public Question Time** (Pages 21 - 22)
- 6 Local Plan Five Year Review** (Pages 23 - 52)
- 7 Consent Street Trading Policy Review 2024** (Pages 53 - 98)
- 8 Appointments** (Pages 99 - 104)
- 9 Motion**

The following motion has been submitted in accordance with Council Procedure Rule 3.40 by Cllr Tony Riordan:-

" In October 2023, the Economic Crime and Corporate Transparency Act received Royal Assent. This means that small companies and micro-entities, such as Stockton Hotels Company Limited, will have to file a profit and loss account, which with small companies having to also file a director's report. This change ensures that turnover is available on the public register. The Bill also removes the option for companies to prepare abridged accounts.

The requirements for a profit and loss account will be set out in regulations and will ensure companies are given fair warning of the changed expectations.

To get ahead of the regulations and promote transparency at the very highest-level to our residents, Stockton Borough Council in its role as shareholder resolves,

1. To request Stockton Hotels Company Limited to provide copies of all the profit and loss accounts, since incorporation, and within one month, so that Stockton Borough Council can publish them.
2. To request Stockton Hotels Company Limited to provide copies of all the Directors Reports, since incorporation, and within one month, so that Stockton Borough Council can publish them."

10 Motion

The following motion has been submitted in accordance with Council Procedure Rule 3.40 by Cllr Paul Rowling:-

"During Prime Minister's Questions on Wednesday 22nd November 2023 the Home Secretary James Cleverly was heard making a derogatory comment about Stockton-on-Tees. Despite initially saying that he did not say anything inappropriate the Home Secretary proceeded to claim that the comment was aimed at the MP for Stockton North. As reported in the Sunday Mirror on Sunday 26th November, Artificial Intelligence has been used to clean up the recording. The cleaned-up recording proves that the comment was indeed aimed at our town.

The comment is an outrage and an insult to all those that call Stockton-on-Tees home. Stockton-on-Tees, made up of Stockton, Thornaby, Billingham, Yarm, Egglecliffe, Norton, Ingleby Barwick, and surrounding villages, is a proud area with a rich history. The Home Secretary's comments could not be a more inaccurate description of our area.

Although the Home Secretary has apologised for "unparliamentary language" in the House of Commons, no such apology has been made to the residents of Stockton-on-Tees. We the members of Stockton-on-Tees Borough Council strongly condemn the comments and call for the Home Secretary to make a full apology to the people of Stockton-on-Tees. We resolve to write to the Home Secretary to invite him to come to Stockton to apologise. We also extend an invitation to the MPs for Stockton North and Stockton South to jointly sign this letter."

11 Members' Question Time

(Pages 105 - 112)

12 Forward Plan and Leader's Statement

Members of the Public - Rights to Attend Meeting

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: Democratic Services Officer, Peter Bell on email peter.bell@stockton.gov.uk

KEY - Declarable interests are:-

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

Members – Declaration of Interest Guidance

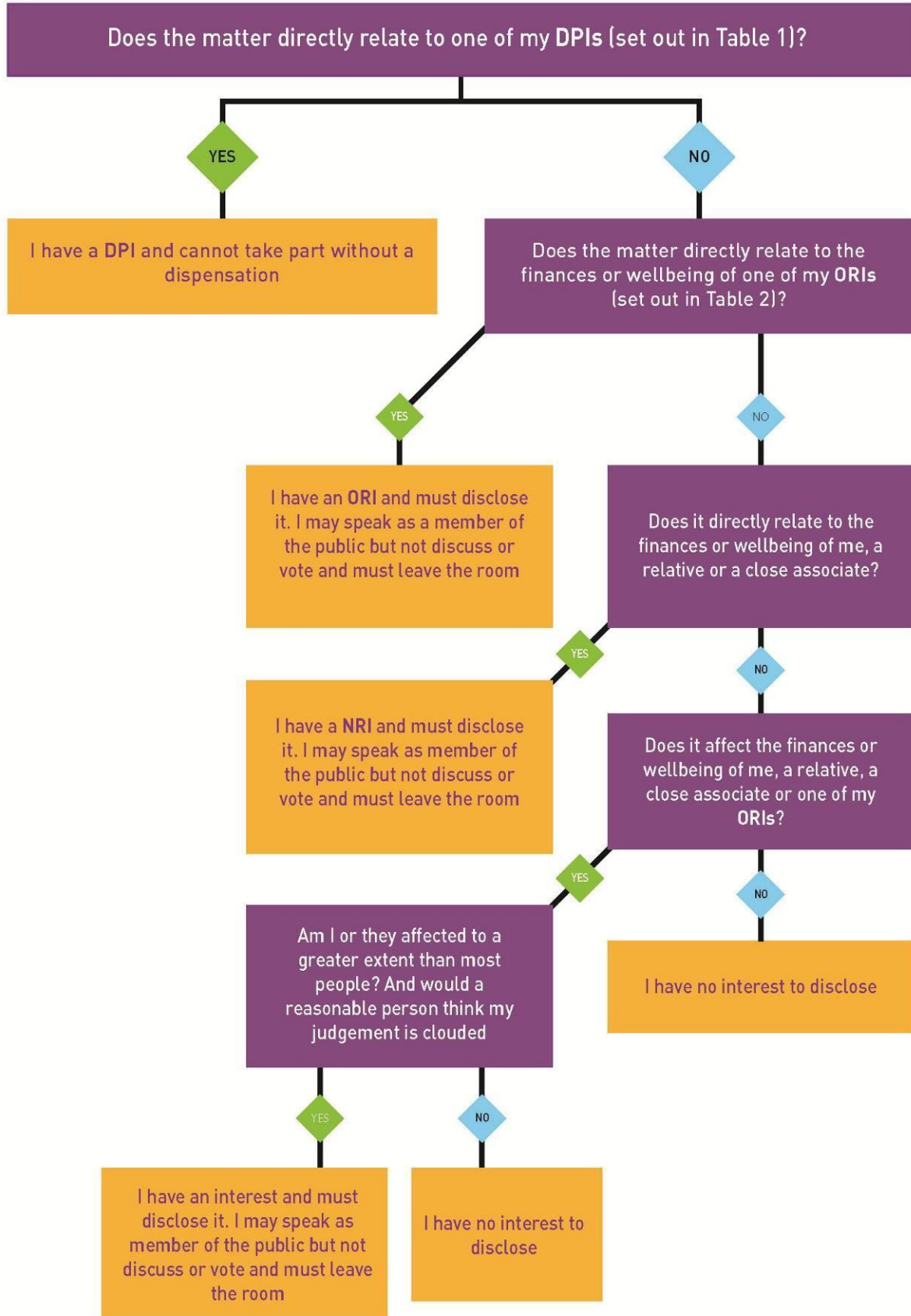


Table 1 - Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2 – Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

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COUNCIL

A meeting of Council was held on Wednesday 22 November 2023.

Present: The Worshipful the Mayor (Cllr Jim Beall), Cllr Stefan Barnes, Cllr Pauline Beall, Cllr Michelle Bendelow, Cllr Marc Besford, Cllr Carol Clark, Cllr Diane Clarke OBE, Cllr Nigel Cooke, Cllr Robert Cook, Cllr John Coulson, Cllr Richard Eglinton, Cllr Lisa Evans, Cllr Kevin Faulks, Cllr Jason French, Cllr Nathan Gale, Cllr Clare Gamble, Cllr John Gardner, Cllr Ray Godwin, Cllr Alex Griffiths, Cllr Lynn Hall, Cllr Shakeel Hussain, Cllr Barbara Inman, Cllr Niall Innes, Cllr Eileen Johnson, Cllr Mrs Ann McCoy, Cllr Mick Moore, Cllr Sufi Mubeen, Cllr Steve Nelson, Cllr Ross Patterson, Cllr David Reynard, Cllr Stephen Richardson, Cllr Tony Riordan, Cllr Paul Rowling, Cllr Susan Scott, Cllr Vanessa Sewell, Cllr Andrew Sherris, Cllr Norma Stephenson OBE, Cllr Mick Stoker, Cllr Hugo Stratton, Cllr Ted Strike, Cllr Marilyn Surtees, Cllr Emily Tate, Cllr Laura Tunney, Cllr Hilary Vickers, Cllr Marcus Vickers, Cllr Sylvia Walmsley, Cllr Paul Weston, Cllr Katie Weston and Cllr Barry Woodhouse.

Officers: Mike Greene (CE), Ged Morton, Julie Butcher, Judy Trainer, Peter Bell, Stuart Levin (CS), Garry Cummings (DCE&F,T&P), Reuben Kench (DoCS,E&C), Carolyn Nice (Director of Adults, Health & Wellbeing) and Marc Cole (R&IG).

Also in attendance: Members of the Public.

Apologies: Cllr Ian Dalgarno, Cllr Dan Fagan, Cllr Elsi Hampton, Cllr Stefan Houghton, Cllr Jim Taylor, Cllr Alan Watson and Cllr Sally Ann Watson.

COU/61/23 Welcome

The Worshipful the Mayor welcomed everyone to the meeting and outlined the arrangements for the meeting.

COU/62/23 Declarations of Interest

Councillor Sufi Mubeen declared a disclosable pecuniary interest in respect of agenda item 8 - Private Hire & Hackney Carriage Licensing Policy Interim Review. Councillor Sufi Mubeen withdrew from the meeting and left the room during consideration of the item.

Cllr David Reynard declared a disclosable pecuniary interest in respect of agenda item 8 - Private Hire & Hackney Carriage Licensing Policy Interim Review. Councillor David Reynard withdrew from the meeting and left the room during consideration of the item.

Cllr Clare Gamble declared a non-registerable interest in respect of agenda item 8 - Private Hire & Hackney Carriage Licensing Policy Interim Review. Councillor Clare Gamble withdrew from the meeting and left the room during consideration of the item.

COU/63/23 Minutes

Consideration was given to the minutes of the meetings held on 20 September 2023.

RESOLVED that the minutes of the meeting held on 20 September 2023 be confirmed and signed as a correct record.

COU/64/23 Presentation of the Honorary Alderman of the Borough

The Worshipful the Mayor conferred the title of Honorary Alderman on the following five former Councillors who have given many years' service to the Borough:-

1. Ken Dixon,
2. Bill Woodhead MBE,

The former Councillors signed the Honorary Alderman Roll and received the Alderman Medal, with a framed certificate.

COU/65/23 Social Worker of the Year Awards 2023

Stockton-on-Tees Borough Council had won a national award at the Social Worker of the Year Awards.

The Council won the Gold Award in the 'Supportive Social Work Employer' category which highlighted excellent employer practice in supporting, leading and championing its social work employees.

When asked why social workers love working for Stockton-on-Tees Borough Council, they said they felt valued and supported whilst being given the opportunity to progress through their careers at the appropriate pace, with necessary peer support. Angela Connor and Joanne Adams were at the meeting and were presented with the award by the Worship the Mayor.

Two Stockton-on-Tees Borough Council social workers were also nominated for individual award nominations namely Kim Cleaver (Mental Health Social Worker of the Year) and Amy Ibbotson (Student Social Worker of the Year).

The Worshipful the Mayor congratulated all the people involved and thanked all the social workers for their commitment and continued hard work.

The Leader of the Council, Councillor Bob Cook and the Cabinet Member for Adults Social Care, Councillor Ann McCoy also congratulated all those involved in the awards.

COU/66/23 Public Question Time

The Head of Legal Services informed the meeting there were no public questions.

COU/67/23 Private Hire & Hackney Carriage Licensing Policy Interim Review

Consideration was given to a report Private Hire & Hackney Carriage Licensing Policy Interim Review.

Council considered the views and comments received from the General Licensing Committee, transport trade and other interested parties following consultation on the Private Hire and Hackney Carriage Licensing Policy and to make recommendations to Council.

The current private hire & hackney carriage licensing policy was approved in 2022 following a full public consultation.

In November 2022 following requests from the trade the transport policy was reviewed. The changes were approved and the requirements on new hackney carriage vehicle specification was relaxed. Since this policy change the hackney carriage vehicle fleet had increased by 35 vehicles, hackney carriage wheelchair accessible vehicles (WAVs) have increased by 2.

The licensed trade made a request for the policy to be reviewed again and for this policy change to be reversed. A 21-day public consultation was undertaken giving stakeholders opportunity to comment.

The public consultation survey was available online and links were directly sent to all licensees, members and interested parties.

There were 105 responses to the consultation. In summary the proposed policy wording was supported. Details of the responses was included with the report.

The proposed policy wording is below and would mean any applications for new hackney carriage vehicles would need to be wheelchair accessible, existing hackney carriage vehicles would still be able to be replaced like for like.

Current Wording

Wheelchair Accessible Vehicles (WAV)

WAV's that are currently licensed may be replaced with a like for like vehicle e.g. another WAV that complies with current policy.

Departure from policy in exceptional circumstances e.g. medical grounds will be considered on a case by case basis.

The hackney carriage and private hire trade will continue to be encouraged to licence a proportion of their fleet as Wheelchair Accessible Vehicles.

Proposed Wording

All new applications for hackney carriage vehicle licences are required to be wheelchair accessible vehicles.

Hackney carriage vehicles which are currently licensed may be replaced with a like for like vehicle e.g.

- WAVs can be replaced with another WAV which complies with current Policy.

- Saloons (5 seats) may be replaced with another Saloon which complies with current Policy
- MPVs (more than 5 seats) can be replaced with another MPV which complies with current Policy

The private hire trade will continue to be encouraged to licence a proportion of their fleet as Wheelchair Accessible Vehicles.

The Licensing Service continue to explore ways to increase the WAV fleet, this is a national issue, these vehicles cost more to purchase, run and maintain and drivers cannot charge more for WAV journeys under disability legislation.

A full review of the policy was expected later 2023 or early 2024, after the publication of the Department for Transport's Best Practice Guidance document, which was consulted on in 2022 and was expected in Spring 2023.

This matter was considered by the General Licensing Committee on 8 August 2023 the committee recommended the proposed changes be considered by Cabinet and Council.

If revised, the trade would be informed of the new policy via email and via private hire operators and the SHCDA. Changes would also be publicised on the trade Facebook page and via the Council website. In addition, the policy changes would be added to future trade meeting agendas.

RESOLVED that:-

1. The content of the report be noted.
2. The proposed change to the Private Hire and Hackney Carriage Licensing Policy be approved with an implementation date of 1 December 2023

COU/68/23 Review of Polling Districts and Polling Places 2023

Consideration was given to a report that set out the proposed changes for polling districts and places taking into account the submission of the Acting Returning Officer and feedback received from the consultation. The consultation ended on 29 October 2023.

Each Local Authority was required to carry out reviews of Polling Districts and Polling Places in its area.

The Electoral Registration and Administration Act 2013 changed the timing of these reviews and reviews must be held within a 16-month period starting on 1 October every fifth year after 1 October 2013. Ward boundaries were unaffected by the review.

The Council's last statutory review was carried out in 2018 and an interim review was held in 2022 when a number of changes were made as a result of the Local Government Boundary Commission for England Ward Boundary Review. The changes approved by Council on 23 November 2022 were implemented and in place for the May 2023 local elections held in the Borough.

A Council's area was divided into polling districts with one or more districts making up a ward, with a polling place being the area or building within a polling district in which a polling station is situated. The Council must identify the polling districts and polling places within the Borough. The (Acting) Returning Officer is responsible for identifying the polling stations within the polling place.

The Electoral Commission Guidance was detailed within the report.

Polling districts changes had been considered to include existing and future Parliamentary boundaries. This would be achieved by merging into appropriate adjoining polling districts as identified in the 2022 review and keeping some small polling districts that due to the geography of the Parliamentary Boundary were unsuitable to combine with neighbouring polling districts. The review considerations were outlined within the report.

During the 2023 Elections, the opportunity was taken to complete the Electoral Commission's evaluation templates in order to assess the suitability/ accessibility of the polling place/ station. Presiding Officers were also asked to record any complaints/comments received.

The Boundary Commission had undertaken electorate projections as part of the Parliamentary Boundary Review 2023 and the Local Government Ward Boundary Review 2022. The recommendations take into consideration these predictions as well as the increase in postal voters that we have seen since 2021.

The Returning Officer's submission summarised the existing arrangements, key issues identified from the 2023 Elections, any notable projected changes in electorate and makes proposals for changes to polling districts / places.

Mobile polling stations continued to be used where no alternative venues could be found. Mobile stations were expensive and unpopular with voters and suggestions for alternative venues were always welcomed. The use of some schools as polling stations continued to be a problem when the safeguarding of children cannot in the view of the schools be assured, and in these circumstances alternative venues had been identified. The proposals considered Electoral Commission Guidance that the number of electors allocated to a particular polling station should not exceed 2,250 and also the introduction of Voter Identification which was more resource intensive on polling day.

Any further feedback and comments from the 2024 Elections in relation to the suitability of existing polling stations would be considered in the planning for future electoral events and statutory reviews.

The consultation was published on 1 October 2023 with a closing date for comments of midnight on 29 October 2023. The Acting Returning Officers submission summarised the existing arrangements and their proposals to reduce the number of polling districts by 8, by merging a number of polling places that use the same polling place and keeping 5 smaller polling districts due to the changes in Parliamentary Boundaries.

RESOLVED that the changes to Polling Districts and Polling Places, as outlined in the Acting Returning Officers recommendations, incorporating the responses to the comments laid out in the table within the report be approved.

COU/69/23 Director of Public Health Annual Report

Consideration was given to a report on the Director of Public Health Annual Report.

Under the Health and Social Care Act (2012), the Director of Public Health had a duty to prepare an independent annual report. As across local authorities nationally, there was a hiatus in producing these reports due to the impact of the Covid-19 pandemic and subsequently due to the recovery work to stand back up core public health duties and services and catch-up key work which had been achieved.

The Director of Public Health Annual Report 2022 aimed to capture an overview of key activity from a public health perspective, over the course of the unique and challenges events of the Covid-19 pandemic. It also sought to summarise the learning from this period from a public health perspective and describe some of the activity since, in response to this learning.

Recovery across the health and wellbeing system and society continued and learning would continue to be embedded in the approach of public health going forward, working with partners.

The report described some of the key work undertaken with partners and communities during the course of the pandemic and the actions since. Working alongside communities and Elected Members was an essential part of the local public health response.

Embedding learning and monitoring of public health activity would continue to be overseen and reported through the Lead Member, Corporate Management Team and Health and Wellbeing Board as part of core business.

RESOLVED that the Director of Public Health Annual Report be received

COU/70/23 Appointments

Consideration was given to a report that presented amendments to Committee in-line with the wishes of political groups and nominations to outside bodies.

RESOLVED that the following changes and appointments be approved:-

Adult Social Care and Health Select Committee – Remove Cllr Kevin Faulks and add Cllr Ray Godwin

Children and Young People Select Committee - Remove Cllr Nathan Gale and add Cllr Paul Rowling

Crime and Disorder Select Committee - Remove Cllr Sally Ann Watson and add Cllr Shakeel Hussain

Place Select Committee - Remove Cllr Alan Watson and Cllr Ray Godwin and add Cllr Shakeel Hussain and Cllr Sylvia Walmsley

River Tees Port Health Authority - Remove Councillor Alex Griffiths and add Cllr Shakeel Hussain

Standing Advisory Council of Religious Education – Add Councillor Sufi Mubeen

Tees Port Welfare Committee – Add Councillor Tony Riordan

COU/71/23 Motion

The following motion had been submitted in accordance with Council Procedure Rule 3.40, moved by Councillor Niall Innes, seconded by Councillor Tony Riordan:-

“The Cabinet and Senior Leadership of this Council have recently sought to introduce a new ‘Director of Regeneration and Inclusive Growth’ without consulting the full Council.

Despite the exercise undertaken last year in which this council provided ‘Golden Goodbyes’ and reduced Director positions while increasing salaries, it has now been decided that a further Management position is required at an estimated cost of over £120,000 per year to the Taxpayers of Stockton.

Rather than continue to spend residents' money on yet another Director, this motion urges the Cabinet to think again and to ensure that the money is used for public good and suggest that it be used to employ more enforcement officers/street wardens and create a ‘Community Safety Hub’ in Ingleby Barwick.

The salary set aside for this single director could be used to recruit as many as three civic enforcement officers / street wardens and space could be set aside in property already owned by this authority to host a community security hub, providing a base from which enforcement officers and the police could operate.

This motion seeks to ensure that resident's money is being used on initiatives that deliver for them, and keep our communities safe, not create more bureaucracy and more waste!”

The Worship the Mayor informed the meeting that as the subject matter of the motion came within the terms of reference of the Cabinet, the motion would be referred automatically, without debate or vote, to Cabinet for their consideration.

COU/72/23 Motion

The following motion had been submitted in accordance with Council Procedure Rule 3.40, moved by Councillor Paul Rowling, seconded by Councillor Lisa Evans:-

“This motion proposes to amend the Procedure Rule “Appointment and Removal of the Leader of the Council” currently found in Part 3 of the Constitution of Stockton-on-Tees Borough Council. The addition is in bold.

APPOINTMENT AND REMOVAL OF THE LEADER OF THE COUNCIL

The Council may at any meeting of Full Council remove the leader by passing a resolution in accordance with the Council's Procedure Rules. The removal will take effect immediately on the passing of the resolution. Where the Council has resolved to remove the leader, a new leader is to be elected either at the same meeting or at a subsequent meeting. When a motion to remove the leader of the Council has been

discussed by a meeting of the Full Council, no other motion, which is the same or similar can be considered again within a twelve-month period, unless the notice of motion has been signed by at least half the membership of the Council and delivered to the Proper Officer in writing at least ten clear days before the date of the meeting at which it is to be addressed.”

Members debated the motion.

At this point and in accordance with Council Procedure Rule 3.65 Councillor Niall Innes requested that a recorded vote be taken; which was supported by at least a quarter of the members present:-

Members in favour of the motion:-

Cllr Stefan Barnes, Cllr Jim Beall, Cllr Pauline Beall, Cllr Michelle Bendelow, Cllr Marc Besford, Cllr Carol Clark, Cllr Nigel Cooke, Cllr Robert Cook, Cllr Richard Eglington, Cllr Lisa Evans, Cllr Kevin Faulks, Cllr Nathan Gale, Cllr Clare Gamble, Cllr Ray Godwin, Cllr Barbara Inman, Cllr Eileen Johnson, Cllr Mrs Ann McCoy, Cllr Mick Moore, Cllr Steve Nelson, Cllr Ross Patterson, Cllr Paul Rowling, Cllr Norma Stephenson OBE, Cllr Mick Stoker, Cllr Marilyn Surtees, Cllr Sylvia Walmsley, Cllr Paul Weston, Cllr Katie Weston and Cllr Barry Woodhouse.

Members against the motion:-

Cllr Diane Clarke OBE, Cllr John Coulson, Cllr Jason French, Cllr John Gardner, Cllr Alex Griffiths, Cllr Lynn Hall, Cllr Shakeel Hussain, Cllr Niall Innes, Cllr Sufi Mubeen,

Cllr David Reynard, Cllr Stephen Richardson, Cllr Tony Riordan, Cllr Susan Scott, Cllr Vanessa Sewell, Cllr Andrew Sherris, Cllr Hugo Stratton, Cllr Ted Strike, Cllr Emily Tate, Cllr Laura Tunney, Cllr Hilary Vickers and Cllr Marcus Vickers.

The motion was carried by 28 votes for to 21 votes against.

COU/73/23 Members' Question Time

The Worshipful the Mayor informed the meeting that Councillor Marcus Vickers had withdrawn his below question:-

“The last 3 editions of the Councils “Stockton News” publication have included the same copy and paste information regarding Billingham. For absolute clarity to our residents in the Borough, particularly Billingham, can the leader of the Council please confirm that during round 2 of the Government’s Levelling Up Funds, made available in April 2022, this Council followed the application guidance and eligibility criteria?”

The following question had submitted by Cllr Marcus Vickers for response by the Leader of the Council (Cllr Bob Cook):-

“I welcome all opportunities to work collaboratively and effectively with all partners and neighbours to ensure a greater quality, efficient and productive service to tax paying residents of Billingham and Stockton. To ensure Stockton Borough Council taxpayers money is spent only on our residents, will the Council Leader confirm that no conversations have taken place with other Local Authorities with a view to merging,

and assure our residents that any proposal to merge in the future would be given short shrift?”

The Leader of the Council responded with:-

“Thank you, Councillor Vickers, for your question and for highlighting the value of collaborative work, a principle that resonates strongly with our 'Powering Our Future' initiative. This new endeavour is a testament to our commitment to forward-thinking strategies for the benefit of our community.

Regarding your query about merging councils, I can confirm that no discussions have been held by me with fellow council leaders about merging our council with other local authorities. Our focus remains on strengthening our services through existing and new collaborations, always with the best interests of our residents in mind.

We value the success of long-standing initiatives like Adoption Tees Valley and our partnership with Darlington, Xentrall. These projects exemplify our dedication to effective and efficient service delivery through cooperation. The Tees Valley combined authority is another example of how collaborative efforts can significantly enhance our ability to serve our community.

While we remain open to exploring all potential avenues for improvement, our current priority is the successful implementation and development of the 'Powering Our Future' initiative, alongside our ongoing collaborative ways of working. As always, any significant changes in our council's structure will be considered carefully, keeping in line with central government guidelines and our commitment to serving the residents of our Borough.”

Councillor Marcus Vickers asked the following supplementary question:-

“Will any future merger plans be considered by full Council together with full public consultation?”

The Leader of the Council responded with:

“I have been through one re-organisation of the Council in the 1990s and whenever Councils are going to merge or change it is a directive that comes from central government. There was a full consultation with the public and I can't see any reason why the same wouldn't apply. It is something that effects everybody, this Council and/or another council.”

The following question was submitted by Cllr Niall Innes for response by the Leader of the Council (Cllr Bob Cook):-

“Can the Leader of the Council inform us the Total Amount it has cost the residents of this Borough to send Councillors / Cabinet Members to awards ceremonies for 2022 and 2023?”

The Leader of the Council responded with:-

“In these challenging times for local government, awards ceremonies are not just social events. They're a platform to highlight the essential work we do for our communities. Our attendance at these ceremonies goes beyond recognition. It's about

learning from and engaging with other councils, showcasing our leadership, and celebrating our achievements, which too often go unnoticed.

Being nominated for these awards reflects all our collective hard work and dedication. It's an affirmation of our long-term vision for our borough and our commitment to never stop improving.

We must also consider the broader context. Attracting and retaining skilled staff in local government is increasingly difficult. By participating in these events, we demonstrate that a career in local government, and particularly with this Council, is both valuable and rewarding.

Regarding costs, we maintain transparency. The expenses for members' attendance at awards, conferences, and other functions are recorded as part of our Members' Allowances records. Full Council agreed a motion on that. The figures for the 2022-2023 financial year are already available on our website. As for the ongoing 2023-2024 year, the consolidation of this data is still in progress as the financial year had not yet ended.

Attending these ceremonies is about more than awards; it's about supporting and being part of the broader local government community and showing our commitment to our staff and the sector as a whole.”

Councillor Niall Innes asked the following supplementary question:-

“Given the cost could the Leader of the Council tell us how this is value for money for the residents to send Cabinet members who maybe here today gone tomorrow to award ceremonies when it is actually the officers who put the work in to win the awards?

The Leader of the Council responded with:

“It is about the reputation of the Council and the policies that we have in place as an Executive as a manifesto and we work together with officers. I'm sure if you as a Conservative group ever get elected as executive members you will be working with officers on your manifesto. I so far haven't seen any manifesto from the Conservative group. The Labour Group manifesto is to protect the most vulnerable and that Council services are maintained. We ensure that all of our officers can go forward with the polices. Some awards are for all the Council as we have seen tonight. It was appropriate that two Cabinet members went to the Belfast for the APSE Awards where we were nominated for Council of the year. It would have been remiss of me not to support the officers who had been involved.”

COU/74/23 Forward Plan and Leader's Statement

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

Council last met on 20 September. Since then Cabinet met and considered the following matters:

- An update on the Council Plan
- Care and Health Innovation Zone

- Selective Licensing of Private Rented Accommodation
- School Performance 2022-23
- Customer Service Excellence Compliance Assessment
- Private Hire & Hackney Carriage Licensing Policy Interim Review
- Polling Districts and Polling Places 2023
- Major Incident Plan 2023-2026
- The Director of Public Health, Annual Report
- Winter Planning

A highlight of the Leader of the Council's week had been the announcement regarding the Levelling Up Fund. The Leader of the Council was thrilled that Billingham had been awarded £20 million from this fund. This was a fantastic achievement and a testament to the collective efforts. This substantial investment was not just financial; it represented a belief in the vision and the Council's unwavering commitment to Billingham.

Looking forward, the Cabinet was scheduled to meet on 14 December and then on 18 January. Some of the topics from the forward plan included:

- 0 to 19 Childrens Public Health Programme
- Financial Update and Medium-Term Financial Plan (2023/24 Quarter 2)
- 2023 Events Summary and 2024 Memorial Calendar
- Learning and Skills Service Governing Body annual report
- Draft Attendance Strategy
- Corporate Parenting Strategy

The next full Council meeting would be on the 24 January. Until then, the Leader of the Council wished everyone all the very best for the upcoming festive season. The Leader of the Council reminded Members of Stockton Sparkles event. The High Street would transform into a winter wonderland.

The Mayor closed the meeting with seasonal best wishes to Council Members and Officers.

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PUBLIC QUESTION

PUBLIC QUESTION

Public Question submitted by John McDermottroe for response by the Cabinet Member for Regeneration & Housing:-

“On 22 November 2022 Cllr Nigel Cooke stated that "they were ready to deliver on the bid" however the centre once again has been sold to another private investment Co. Why was this allowed to happen and what will now happen to the £20M levelling up money? And the £10M pledged by SBC?”

AGENDA ITEM

REPORT TO COUNCIL

24 JANUARY 2024

REPORT OF CORPORATE MANAGEMENT TEAM

Local Plan Five Year Review

SUMMARY

The development plan (a local plan) is at the heart of the planning system, setting out a vision and strategy for future development of the Borough. Included within it are a series of policies which support the delivery of that strategy and against which planning applications are assessed.

Under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, there is a legal requirement to 'review' local plans at least once every 5 years from their adoption to ensure they remain fit for purpose. In the case of the Stockton on Tees Local Plan that is required to be complete by the 31 January 2024.

Cabinet are being asked to ratify the outcomes of the Local Plan review and to recommend to Council to begin the process of a full update of the Local Plan.

REASONS FOR RECOMMENDATION / DECISION

Officers consider that the current local plan requires an update due to changes in; the calculation process of the housing requirement; implications of changes to the retail sector and use classes order; and a changing policy landscape with regards the environment and climate change (full review contained at appendix 1).

A full update of the Local Plan is deemed necessary due to the interdependent elements of these factors across the Local Plan as a whole and as they are not 'narrow' enough to be adequately dealt with by a partial Local Plan review. Furthermore, given the emerging planning reforms a full review and formulation of a new Local Plan under the new emerging Local Plan system is considered to be the most robust and cost-effective way forward.

It will also offer an opportunity to update and align the Borough's planning policies with a number of the Councils recent and emerging policies and aspirations on climate change, addressing inequalities and in driving forward economic growth and regeneration.

RECOMMENDATIONS

Council are recommended to;

1. Agree the findings and recommendations of the internal officer review of the Stockton on Tees Local Plan (**Appendix 1**).
2. Agree that the findings of the Local Plan review are made publicly available and published on its website.

3. A full update of the Stockton on Tees Local Plan commences.
4. Authorise the Director of Regeneration and Inclusive Growth to commence work on preparatory work for a new local plan with a review of the evidence base, related project management activity and consultation on updated Conservation Area Appraisals in advance of the details on government's new local plan process.

BACKGROUND

1. The development plan (a local plan) is at the heart of the planning system with a requirement set in law that planning decisions must be taken in line with the development plan unless material considerations indicate otherwise.
2. Both the National Planning Policy Framework and regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 require a review of local plans at least once every 5 years from their adoption. The Current Stockton on Tees Local Plan was adopted on the 30 January 2019 and thus a review needs to be complete by 31 January 2024.
3. Failure to carry out the review would mean the Council is in breach of its legal duty of regulation 10A. There is no prescribed approach, but a review of a Local Plan against a standardised template produced by the Planning Advisory Service is being promoted nationally as good practice.

REVIEW PROCESS

4. As part of the Local Plan Review, there are only three available outcomes, either that;
 - i) The Local Plan is up-to-date and no changes are required;
 - ii) Some changes are required and there is the need for a partial update of the plan;
 - iii) Significant changes are required and a full update or new local plan is required.
5. Consultation has occurred with key consultees and stakeholders regarding their own professional view of whether the policies of the Local Plan remain 'fit for purpose'. No fundamental aspects have been raised which would indicate the Local Plan is not 'fit for purpose'.
6. In the event that a partial update to a Local Plan is required, then the processes and stages are the same as they would be for a new plan or full plan update, with critique and examination by the Planning Inspectorate.
7. Within the report is a summary of the processes undertaken for the review of the Local Plan. In order to ensure that the review of the Stockton on Tees Local Plan has been undertaken robustly, Officers have used the Planning Advisory Service's (PAS) Local Plan route planning and toolkit.
8. A review by the independent Planning Officers Society (POS enterprises) acting as a 'critical friend' has also been commissioned. The outcome of the PAS toolkit/POS review comments are attached at appendix 1 of this report.

REVIEW OUTCOMES

9. Within the review of the Local Plan it is considered that there are three areas of significant change, these are discussed below;

Housing

10. Whilst the Council can currently demonstrate a five year supply and delivery is generally consistent with that identified in the Local Plan, the housing requirement of the Local Plan is

based on an Objective Assessment of Need (OAN) for new housing as originally required by the NPPF (2012). Subsequent revisions to the National Planning Policy Framework (NPPF) introduced a 'Local Housing Need' (LHN) also known as the 'Standard Methodology' for calculating housing requirements. The Local Plan housing requirement does not use the local housing need as a starting point.

11. Although the housing requirement in the Local Plan is at a higher figure than LHN, there is a significant difference between the adopted housing requirement and the baseline LHN. As a result, an update to the housing requirement of the Local Plan will need to consider LHN and other relevant factors such as local demographics and market trends. In the interim period the five-year supply assessment will be made against the local housing need in accordance with the NPPF paragraph 77.

Retail

12. With regards to delivering the local plan objectives for commercial floorspace, the local plan adopted a cautious approach to comparison retail floorspace with the requirement for beyond 2022 being informed by a future retail capacity assessment.
13. Given changes to retail habits, which were accelerated by the pandemic and lack of demand for comparison retail floorspace that review has not been carried out. In conjunction with changes to the Use Class Order (which have combined retail with a number of other town centre uses under the commercial E-use class) the effectiveness of current policies to influence changes to and from retail use have been curtailed.
14. Furthermore, the ambitious regeneration strategy for Stockton to try and address the decline of town centres, through the demolition of the Castlegate Centre, has improved vacancy rates but brought about a significant reduction of comparison retail floorspace.
15. The market for comparison retail is currently weak and it is unlikely there will be a need to bring forward significant comparison retail floorspace in the near future. However, a new town centres study which considers comparison retail needs alongside other town centre activities, should be undertaken in the future once there is greater certainty over the outcomes of the town centre programme and retail trends stabilise.

Local Environment

16. Policies within the Local Plan, remain consistent with the NPPF and other guidance, with more locally focussed issues such as a strategic mitigation solution within Seal Sands requiring further review alongside other strategic opportunities such as the Local Nature Recovery Strategy and 10% Biodiversity net gain.
17. However, the introduction of 'Nutrient Neutrality' has created a significant change in circumstance since the adoption of the Local Plan and is having implications for the delivery of residential development and other overnight accommodation. Additionally, a review of the Local Plan would also allow opportunities to align more closely with the Council's Environmental Sustainability and Carbon Reduction Strategy and net zero aspirations (2022-2032) and any emerging Air Quality Strategy.

PLANNING REFORMS

18. The Planning White Paper in 2020, proposed fundamental planning reforms although some of the more radical proposals have to date not been brought forward. Instead, the Levelling Up and Regeneration Act (LURA) introduces a range of focussed changes rather than a full overhaul of the current planning system.

19. Following the NPPF consultation (Dec 2022), Government have very recently released an update to the NPPF (20 December 2023). This revised NPPF, does not result in any fundamental changes which affect the current Local Plan or this review.
20. Notwithstanding that, further planning reforms remain on the horizon. The Regeneration and Levelling Up Act (LURA) has introduced a series of reforms to the planning system, most notably with regards to the Local Plan making system (Part 3 and Schedule 7). This is intended to introduce a 'new generation' of local plan which are simpler to produce and use. The associated legislation is expected to be enacted during 2024 which will provide greater detail.
21. There has also been the indication of further changes to the NPPF and it is expected that this will include the introduction of national development management policies which would represent a significant future change for the current local plan.

REVIEW CONCLUSIONS

22. The changes in the calculation process of the housing requirement, changes to the retail sector (including shopping habits and introduction of the use classes order), along with a changing policy landscape with regards the environment and climate change, all represent significant changes in circumstance since the adoption of the Local Plan.
23. All of these elements are considered to have 'cross cutting' factors and changes to one, may undermine another element of the Local Plan. Individually they are not considered to be narrow enough to be satisfactorily addressed through a partial review of the Local Plan. The associated required resources and cost of a partial plan review will also be significant as the process mimics the full review process.
24. As detailed above, the passing of the Levelling Up and Regeneration Act introduced a 'new style' local plan system, which are intended to be easier to prepare and understand, but will require a new plan being produced every five years. Further details are awaited and expected later this year. Other significant planning reforms are also anticipated which include the introduction of National Development Management Policies and these elements will also have consequences for the current adopted Local Plan.
25. Given the change in circumstances since the Local Plan adoption and additional emerging planning reforms, a full review/formulation of a new Local Plan under the new emerging Local Plan system is considered to be the most robust and cost-effective way forward. It will also offer an opportunity to update and align the Boroughs planning policies with the Council's other recent and emerging policies and aspirations such as climate change, addressing inequalities and economic growth and regeneration.
26. With regards to implications on the status of the Local Plan, the strategic policies will continue to aim to meet anticipated development needs up to 2032. In the intervening period before any new Local Plan is adopted, the five-year housing supply would be considered against the government's standard methodology, given that the Local Plan housing requirement needs review.
27. The determination of planning applications will continue to use the current Local Plan as the starting point alongside relevant material planning considerations with weight being attributed to those being based on the consistency with the NPPF, as is currently the case.

COMMUNITY IMPACT IMPLICATIONS

28. The provision of a new Local Plan will encompass and have the potential to affect all areas of the Borough and the varied elements of all our communities and further detail across community impact will be provided in future reports.

29. Any new Local Plan will be produced in accordance with the statutory Local Plan process which will include effective engagement and consultation with our communities and stakeholders. This will include a variety of communication methods which will be likely to include community engagement sessions, use of social media, press releases and the Council website (or linked dedicated site). Further consideration will be given throughout the Local Plan process and any impacts will be identified within future reports.

CORPORATE PARENTING IMPLICATIONS

30. There will be no implications for Corporate Parenting as a result of this report.

FINANCIAL IMPLICATIONS

31. There are no direct financial implications as a result of this report. The delivery of a new local plan and the associated evidence base will incur future cost and details of the financial implication will be identified within future reports.

LEGAL IMPLICATIONS

32. Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 requires a mandatory five-year review of Local Plans. This report and outcome of the Local Plan review comply with that requirement.

RISK ASSESSMENT

33. A Cabinet decision on the Local Plan review does not raise any immediate risk to the Council is categorised as low to medium risk. Existing management systems and daily route activities are sufficient to control and reduce risk.

WARDS AFFECTED AND CONSULTATION WITH WARD/COUNCILLORS

34. The Local Plan review affects all wards and Councillors.

BACKGROUND PAPERS

35. Relevant background papers include;
- Stockton on Tees Local Plan – 2019
 - National Planning Policy Framework - 2023
 - National Planning Practice Guidance

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PAS LOCAL PLAN ROUTE MAPPER TOOLKIT PART 1: LOCAL PLAN REVIEW ASSESSMENT

Why you should use this part of the toolkit

The following matrix will assist you in undertaking a review of policies within your plan to assess whether they need updating.

The matrix is intended to supplement the [National Planning Policy Framework](#) (NPPF) (paragraph 33 in particular) and the associated [National Planning Practice Guidance](#) on the review of policies within the plan. Completing the matrix will help you understand which policies may be out of date for the purposes of decision making or where circumstances may have changed and whether or not the policy / policies in the plan continue to be effective in addressing the specific local issues that are identified the plan. This in turn will then help you to focus on whether and to what extent, an update of your policies is required. We would recommend that you undertake this assessment even if your adopted local plan already contains a trigger for review which has already resulted in you knowing that it needs to be updated. This is because there may be other policies within the plan which should be, or would benefit from, being updated.

This part of the toolkit deals only with local plan review. Part 2 of the toolkit sets out the content requirements for a local plan as set out in the NPPF. Part 3 of the toolkit outlines the process requirements for plan preparation set out in legislation and the NPPF. Soundness and Plan Quality issues are dealt with in Part 4 of the toolkit.

How to use this part of the toolkit

Before using this assessment tool it is important that you first consider your existing plan against the key requirements for the content of local plans which are included in the [Planning and Compulsory Purchase Act 2004 \(as amended\)](#); [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#) and the most up to date [NPPF](#), [PPG](#), Written Ministerial Statements and the [National Model Design Code](#). To help you with this **Part 2 of the toolkit** provides a checklist which sets out the principal requirements for the content and form of local plans against the relevant paragraphs of the [NPPF](#). Completing **Part 2 of the toolkit** will help you determine the extent to which your current plan does or does not accord with relevant key requirements in national policy. This will assist you in completing question 1 in the assessment matrix provided below, and in deciding whether or not you need to update policies in your plan, and to what extent.

To use the matrix, consider each of the statements listed in the “requirements to consider” column against the content of your current plan. You will need to take into consideration policies in all development plan documents that make up your development plan, including any ‘made’ neighbourhood plans and/ or any adopted or emerging Strategic Development Strategy. For each statement decide whether you:

- Disagree (on the basis that your plan does not meet the requirement at all);

- Agree (on the basis that you are confident that your current plan will meet the requirement)

Some prompts are included to help you think through the issues and support your assessment. You may wish to add to these reflecting on your own context.

Complete all sections of the matrix as objectively and fully as possible. Provide justification for your conclusions with reference to relevant sources of evidence where appropriate. You will need an up to date Authority Monitoring Report, your latest Housing Delivery Test results, 5 year housing land supply position, any local design guides or codes and the latest standard methodology housing needs information. You may also need to rely on or update other sources of evidence but take a proportionate approach to this. It should be noted that any decision not to update any policies in your local plan will need to be clearly evidenced and justified.

How to use the results of this part of the toolkit

The completed assessment can also be used as the basis for, or as evidence to support, any formal decision of the council in accordance with its constitution or in the case of, for example, Joint Planning Committees, the relevant Terms of Reference in relation to the approach to formal decision-making, as to why an update to the local plan is or is not being pursued. This accords with national guidance and supports the principle of openness and transparency of decision making by public bodies.

Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement.
A. PLAN REVIEW FACTORS		
<p>A1.</p>	<p>The plan policies still reflect current national planning policy requirements.</p> <p>PROMPT: As set out above in the introductory text, in providing your answer to this statement consider if the policies in your plan still meet the ‘content’ requirements of the current NPPF, PPG, Written Ministerial Statements and the National Model Design Code (completing Part 2 of the toolkit will help you determine the extent to which the policies in your plan accord with relevant key requirements in national policy).</p>	<p>Agree</p> <p>The Local Plan policies broadly reflect current national planning policy and associated guidance. The overall content and direction of the Local Plan Policies are considered to be consistent with the current requirements of national planning policy with few areas of significant divergence.</p> <p>However, one key area of change since the adoption of the Local Plan has been the introduction of a ‘Local Housing Need’ (LHN) also more commonly known as the ‘Standard Methodology’ for calculating housing requirements. The remainder of this assessment explains in greater detail that change along with any further changes in circumstances affecting Local Plan policies.</p>
<p>A2.</p>	<p>There has not been a <u>significant</u> change in local housing need numbers from that specified in your plan (accepting there will be some degree of flux).</p> <p>PROMPT: Look at whether your local housing need figure, using the standard methodology as a starting point, has gone up significantly (with the measure of significance based on a comparison with the housing requirement set out in your adopted local plan).</p> <p>Consider whether your local housing need figure has gone down significantly (with the measure of significance based on a comparison with the housing requirement set out in your adopted local plan). You will need to consider if there is robust evidence to demonstrate that your current housing requirement is deliverable in terms of market capacity or if it supports, for example, growth strategies such as Housing Deals, new strategic infrastructure investment or formal agreements to meet unmet need from neighbouring authority areas.</p>	<p>Disagree</p> <p>The Local Plan is based on an Objective Assessment of Need (OAN) for new housing as required by the NPPF (2012). Revisions to the NPPF introduced a ‘Local Housing Need’ (LHN) also known as the ‘Standard Methodology’ for calculating housing requirements. Consequently, the Local Plan housing requirement does not use the local housing need as a starting point.</p> <p>At 655 dwellings per annum (2022 – 2032) the Local Plan Housing Requirement remains greater than the base level of housing indicated by the LHN (443 dwellings).</p> <p>Although the housing requirement is at a higher figure than LHN, there is a significant difference between the adopted housing requirement and the baseline LHN. As a result, there is a need to consider updating the housing requirement in the Local Plan which will need to consider LHN and other relevant factors such as local demographics and market trends.</p> <p>Consequently, when demonstrating a five-year housing supply after the Local Plan is five-years old, the assessment will be made against the local housing need in accordance with the NPPF paragraph 74.</p> <p>Although the LHN is lower than the housing requirement, past delivery indicates that the market will be able to continue to deliver the housing sites identified in the Local Plan and the level of planned housing remains</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement.														
			<p>appropriate until a new housing requirement has been provided. In addition, the lower requirement of LHN is not considered to be a deficiency in the Local Plan but instead a matter for attention and consideration within in future plan making.</p> <p>It is recommended that the Council progress an update of the housing requirement under the emerging Local Plan system which has been introduced by the Regeneration and Levelling-Up Act (2023) or as may be amended thought other planning reforms.</p>														
A3.	<p>You have a 5-year supply of housing land</p> <p>PROMPT: Review your 5-year housing land supply in accordance with national guidance including planning practice guidance and the Housing Delivery Test measurement rule book</p>	Agree	<p>As part of this review of policies in the Local Plan the Council has undertaken a five-year supply update. This assessment is made against both the Local Plan Housing requirement and the Local Housing Need (see A1) for the Borough as set out in the Government’s Standard Methodology.</p> <p>Based on assessments against both the Local Plan Housing requirement and LHN, it is identified that the Council can demonstrate a deliverable five-year supply of new housing with the latest figure demonstrating a supply of 5.21 years. For clarity under the Housing Delivery Test (2022) measurement, the Council’s performance is 157% resulting in no consequences for the authority.</p>														
A4.	<p>You are meeting housing delivery targets</p> <p>PROMPT: Use the results of your most recent Housing Delivery Test, and if possible, try and forecast the outcome of future Housing Delivery Test findings. Consider whether these have/are likely to trigger the requirement for the development of an action plan or trigger the presumption in favour of sustainable development. Consider the reasons for this and whether you need to review the site allocations that your plan is reliant upon. In doing so you need to make a judgement as to whether updating your local plan will support delivery or whether there are other actions needed which are not dependent on changes to the local plan.</p>	Agree	<p>It is noted that the toolkit only seeks to refer to delivery against the Housing Delivery Test. The net delivery of new housing during the plan period is set out below.</p> <table border="1" data-bbox="1469 963 1890 1235"> <thead> <tr> <th>Year</th> <th>Net Delivery</th> </tr> </thead> <tbody> <tr> <td>Year 1 - (2017/2018)</td> <td>770</td> </tr> <tr> <td>Year 2 - (2018/2019)</td> <td>795</td> </tr> <tr> <td>Year 3- (2019/2020)</td> <td>1,012</td> </tr> <tr> <td>Year 4 - (2020/2021)</td> <td>582</td> </tr> <tr> <td>Year 5 - (2021/2022)</td> <td>337</td> </tr> <tr> <td>Year 6 - (2022/2023)</td> <td>605</td> </tr> </tbody> </table> <p>Government’s Housing Delivery Test was introduced in February 2019 and considers housing delivery over a three-year period against the LHN. The result is given as a percentage with 100% meaning that an authority has met the requirement of the LHN. The results for the 2022 period, have</p>	Year	Net Delivery	Year 1 - (2017/2018)	770	Year 2 - (2018/2019)	795	Year 3- (2019/2020)	1,012	Year 4 - (2020/2021)	582	Year 5 - (2021/2022)	337	Year 6 - (2022/2023)	605
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			<p>recently been released and the 2022 measurement for Stockton on Tees Borough Council is 157%.</p> <p>Since the test was introduced the lowest result that the Council has achieved is 124%, meaning that the Borough has achieved a positive delivery when compared to LHN. It is anticipated that housing delivery will continue to achieve the required levels set out in the Government's Housing Delivery Test.</p> <p>In the interests of transparency and purely for information purposes rather than review outcomes, delivery against the Local Plan requirement of 4,255 dwellings (April 2017 to March 2023) has meant a shortfall of 145 dwellings. However, significant factors in this shortfall have been the demolition of Hudson and Anson House equating to the loss of 184 dwellings (which was not expected at the time of the adoption of the Local Plan) and the introduction of Nutrient Neutrality which has curtailed housing delivery since its introduction in March 2021.</p> <p>Given the performance against the Housing Delivery test and despite the challenge of the Covid-19 Pandemic, on-going cost of living crisis, the demolition of Anson and Hudson House (2021/22) in Thornaby, and the implications of Nutrient Neutrality, housing delivery in the Borough has been positive and the forecast against the Housing Delivery Test remains strong going forwards.</p>
A5.	<p>Your plan policies are on track to deliver other plan objectives including any (i) affordable housing targets including requirements for First Homes; and (ii) commercial floorspace/jobs targets over the remaining plan period.</p> <p>PROMPT: Use (or update) your Authority Monitoring Report to assess delivery.</p>	<p>(i) Agree (ii) Disagree</p>	<p>(i) Affordable housing</p> <p>The Local Plan sets an affordable housing requirement target that 20% new homes on developments will be affordable. As noted in Section A7, development proposals have generally been submitted along with the necessary infrastructure requirements and when viability has been questioned, the council has been successful in demonstrating viability.</p> <p>Local Plan policy H4 does not set out how affordable housing should be split between different tenures, although the supporting text highlights a preference for 70% of homes to be affordable rent and 30% to be 'intermediate' tenures. The wording of this policy has allowed the Council to respond flexibly to the change in national policy relating to First Homes</p>

Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement.
		<p>/ Affordable Home Ownership products to ensure an appropriate mix of affordable housing.</p> <p>(ii) Commercial The employment land requirement in the plan was based on evidence which considered job projections and economic growth trends. However, the Local Plan did not include an annual target for delivery, seeking to identify a portfolio of suitable economic growth locations to meet potential development in the plan period.</p> <p>The retail need in the plan was prepared using the Stockton Town Centre Study which predicted the need for 4,500 sqm of comparison retail floorspace to 2021/22, with significant further growth beyond this. In preparing the Local Plan, the Council adopted a cautious approach beyond 2022 and did not propose to bring forward significant new retail development or town centre extensions with any need being informed by future retail capacity assessment. Convenience floorspace needs remain up-to-date and consistent with national policy and a number of food-stores have been delivered to meet this need.</p> <p>However, changes to comparison retail shopping habits were accelerated by the pandemic, with an increase in online shopping meaning there has been little demand for new floorspace, except for previously permitted schemes at Teesside Park. In addition, changes to the Use Class Order have combined retail with a number of other town centre uses under the commercial E-use class, which limiting the ability to control changes to and from retail use. An update to the study was therefore not justified in 2022.</p> <p>Equally, national planning policy promoting town centre uses has not shifted to reflect the changing regulatory framework and until this happens any new study would be at risk of being quickly out-of-date.</p> <p>The council has also embarked on an ambitious regeneration strategy which reflects the decline of town centres and seeks to address and 're-balance' those centres. This includes the demolition of the Castlegate</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement.
			<p>Centre, the loss of which involves a significant reduction of comparison retail.</p> <p>In view of those circumstance and given the market for comparison retail is weak, it is unlikely that there will be a need to bring forward significant retail floorspace in the near future. However, a new town centres study which considers comparison retail needs alongside other town centre activities will be undertaken in the future once there is greater certainty over the outcomes of the town centre programme and retail trends stabilise.</p> <p>Planning applications will continue to be considered against the sequential and impact tests set out in the Local Plan and national policy.</p>
A6.	<p>There have been no significant changes in economic conditions which could challenge the delivery of the Plan, including the policy requirements within it.</p> <p>PROMPT: A key employer has shut down or relocated out of the area.</p> <p>Unforeseen events (for example the Covid-19 Pandemic) are impacting upon the delivery of the plan.</p> <p>Up-to-date evidence suggests that jobs growth is likely to be significantly more or less than is currently being planned for.</p> <p>Consider if there is any evidence suggesting that large employment allocations will no longer be required or are no longer likely to be delivered.</p> <p>You will need to consider whether such events impact on assumptions in your adopted local plan which have led to a higher housing requirement than your local housing need assessment indicates.</p> <p>Consider what the consequences could be for your local plan objectives such as the balance of in and out commuting and the resultant impact on</p>	Agree	<p>Since the adoption of the Local Plan there has been significant economic development in the area on general employment sites. This has included the development of over 30 hectares of employment land, as well as take-up of unallocated land at Wynyard which was required to deliver a large distribution warehouse. In addition to this inward investment by Fujifilm has led to expansion adjacent to this site on land that is not allocated in the Local Plan. Additional development has also occurred at Teesside Industrial Estate and Cowpen Lane.</p> <p>Development plans have also been permitted at Preston Farm as well as Dynamo Park at Portrack Interchange with work expected to commence in the near future. General employment land at Durham Lane, Belasis and Teesside Airport is now in public ownership securing this land for economic growth activity which will be promoted over the remaining plan period. An access road to the south side of Teesside Airport is nearing completion and development on employment land has commenced. Loss of land allocated in EG1 to residential use is limited to a residential development at North Shore, which the policy recognises as a mixed-use site where this use is encouraged. Teesside Airport, a part of Billingham Riverside and an existing business are identified within the Tees Valley Freeport area which will provide further support for investment in these locations.</p>

Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement.
<p>proposed transport infrastructure provision (both capacity and viability), air quality or climate change considerations.</p>		<p>Specialist employment allocations in the Seal Sands and North Tees areas have not been subject to significant development. However, the specialist nature of potential uses in this area means significant land take-up can be focused in a small period of time. The Local Plan also recognises the need for strategic mitigation for the impact of development on land which is functionally linked to the Teesmouth and Cleveland Coast SPA.</p> <p>Strategic mitigation has not progressed as the Council continues to assess the opportunities for strategic mitigation through emerging projects and contributing to the emerging Local Nature Recovery Strategy.</p> <p>The Local Plan recognises the Teesdale area as a location where new office development should be directed to. However, in recent years, there has been an increase in vacant office space, as well as several buildings on the park being transformed from office accommodation to residential. In addition, accommodation at the Durham University is under-utilised and there are further regeneration opportunities at Tees Marshalling Yard. The Council is progressing a vision to regenerate the area as a care and health innovation zone. The final outputs of the strategy will influence future planning policy in the area.</p> <p>Since the Covid-19 pandemic there have been changes in working practices across different sectors that have affected travel to work patterns across the country. However, there is evidence emerging which suggests that travel volumes are recovering and returning to pre-covid levels.</p>
<p>A7.</p> <p>There have been no significant changes affecting viability of planned development.</p> <p>PROMPT: You may wish to look at the Building Cost Information Service (BCIS) All-in Tender Price Index, used for the indexation of Community Infrastructure Levy (CIL), or other relevant indices to get a sense of market changes.</p> <p>Consider evidence from recent planning decisions and appeal decisions to determine whether planning policy requirements, including affordable housing, are generally deliverable.</p>	Agree	<p>Since the Local Plan was adopted development proposals have been submitted along with the necessary infrastructure requirements to achieve the development and meet the policies in this plan. Where viability has been questioned, the council has generally been successful in demonstrating viability to ensure a compliant s106 scheme is permitted, including full affordable plan allocation.</p> <p>Recently a development was referred to the District Valuer who produced Stage 1 and Stage 2 reports, which confirmed the scheme as s.106 compliant including affordable housing as required by the Local Plan. This</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement.
	<p>Ongoing consultation and engagement with the development industry may highlight any significant challenges to delivery arising from changes in the economic climate.</p>		<p>was initially challenged by the applicant but has subsequently been accepted.</p> <p>Whilst the introduction of Biodiversity Net Gain and Natural England's nutrient neutrality guidance can result in an additional need to deliver environmental mitigation, there is no evidence that this has / will negatively impact on the viability of development proposals. Should viability be an issue Policy SD7 provides a framework to consider and balance infrastructure provision and determine planning applications.</p>
A8.	<p>Key site allocations are delivering, or on course to deliver, in accordance with the local plan policies meaning that the delivery of the spatial strategy is not at risk.</p> <p>PROMPT:</p> <p>Identify which sites are central to the delivery of your spatial strategy. Consider if there is evidence to suggest that lack of progress on these sites (individually or collectively) may prejudice the delivery of housing numbers, key infrastructure or other spatial priorities. Sites may be deemed to be key by virtue of their scale, location or type in addition to the role that may have in delivering any associated infrastructure.</p>	Agree	<p>Appendix 1 includes an update on the progress of site allocations in the Borough. This provides an overview of progress of delivery of sites with planning permission when the plan was adopted (Commitments) and housing allocations.</p> <p>Overall delivery on the identified sites has been generally positive, with development commencing on the majority of commitments and allocations. Build out rates have been impacted through the pandemic, changes to the economy and introduction of nutrient neutrality.</p> <p>Progress has also been made on key strategic allocations, while a number of sites identified in Local Plan Policy H1 have completed including the former Visqueen Site, Blakeston School, South of Junction Road, Urlay Nook, Sandhill and the Rings, Morley Carr Farm and land south of Cayton Drive.</p> <p>Development is also progressing on significant planning permissions at Allens West (845 dwellings) and Little Maltby Farm, although it is anticipated that the latter site may realise fewer homes than the 1155 that were originally granted.</p> <p>Approval of planning applications at West Stockton has been impacted by nutrient neutrality. However, part of the site at Yarm Back Lane is permitted, under construction and delivering new dwellings. It is anticipated other sites across the West Stockton SUE will commence as they secure the mitigation to address the impacts of nutrient neutrality.</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement.
			<p>Planning permissions granted at Wynyard Park prior to the adoption of the Local Plan were delivered promptly and have now been completed. However, no additional housing planning permissions have been granted. Nevertheless, the site remains an attractive developable greenfield location with few constraints and the associated infrastructure requirements should be achievable via planning obligations and funding from the Tees Valley Combined Authority.</p> <p>The Local Plan also sought to allocate a number of sites which have previously been designated as playing pitches. Planning permission was granted for one of these sites South of Junction Road in Stockton, which has now been developed. The remainder of the sites are unlikely to come forward in the near future and have not been identified in the five-year supply. However, it is anticipated that the loss of these numbers will be compensated for by increased dwelling yields on various sites, including Yarm Back Lane and the wider West Stockton.</p>
A9.	<p>There have been no significant changes to the local environmental or heritage context which have implications for the local plan approach or policies.</p> <p>PROMPT: You may wish to review the indicators or monitoring associated with your Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) / Habitats Regulations Assessment (HRA).</p> <p>Identify if there have been any changes in Flood Risk Zones, including as a result of assessing the effects of climate change.</p> <p>Consider whether there have been any changes in air quality which has resulted in the designation of an Air Quality Management Area(s) or which would could result in a likely significant effect on a European designated site which could impact on the ability to deliver housing or employment allocations.</p>	Disagree	<p>An extension to the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site was confirmed on 18th April 2019. Whilst this occurred after the plan was adopted, the extension was under consideration throughout the preparation of the Local Plan and at the time of adoption the extension was classified as a potential SPA (pSPA) giving it the same protection as a confirmed SPA. The Habitats Regulations Assessment supporting the adopted plan fully considered the pSPA and the plan remains up-to-date.</p> <p>Development of employment allocations at Seal Sands are dependent on there being no adverse impact from development on the integrity of the Teesmouth and Cleveland Coast SPA. Local Plan policy EG4 recognises a need to identify strategic mitigation to mitigate the development of site allocations at Seal Sands. Since adoption of the Local Plan the council and its partners have been unable to identify locations for strategic mitigation and planning applications must demonstrate this matter on an individual basis.</p> <p>As strategic mitigation has not progressed the Council continues to assess the opportunities for this infrastructure through emerging projects and</p>

Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement.
<p>Consider whether there have been any changes to Zones of Influence / Impact Risk Zones for European sites and Sites of Special Scientific Interest or new issues in relation to, for example, water quality.</p> <p>Consider whether there have been any new environmental or heritage designations which could impact on the delivery of housing or employment / jobs requirements / targets.</p> <p>Consider any relevant concerns being raised by statutory consultees in your area in relation to the determination of individual planning applications or planning appeals which may impact upon your plan - either now or in the future.</p>		<p>strategies like the Local Nature Recovery Strategy, whilst also having regard to the need to achieve a 10% Biodiversity Net Gain. In accordance with the supporting text of the Local Plan (paragraph 6.32) the Council will seek to assess this issue having investigated and reviewed the available evidence.</p> <p>Taken as a whole the policies in the Local Plan, in particular those in the Environment chapter, provide the framework for considering the implications of climate change and the need for new development to mitigate its impact and adapt to climate change. This remains consistent with policy in the NPPF and other guidance. However, a review of the Local Plan would also allow opportunities to align more closely with the aspirations of the Council's Environmental Sustainability and Carbon Reduction Strategy and net zero aspirations (2022-2032).</p> <p>In March 2022 Natural England contacted the local authorities in the catchment of the River Tees to provide guidance on nutrient pollution which was adversely affecting habitats in the SPA. This identified that nitrogen discharged into the River Tees from a variety of sources was leading to eutrophication within the Tees Estuary. Natural England's advice was that new development should demonstrate that it is 'nutrient neutral'. As this advice primarily related to residential development and other overnight accommodation the determination of a number of planning applications has been delayed. Nevertheless the introduction of nutrient neutrality has created a significant change in circumstance.</p> <p>There are no Air Quality Management Areas or Clean Air Zones within the Borough. Air quality levels are monitored using three automatic monitoring stations at Eaglescliffe School, Nelson Terrace and Cowpen Depot, as well as diffusion tubes at thirteen locations. The latest monitoring information indicates that air quality continues to remain within specified limits. Policy ENV7 sets a framework to consider pollution during the determination of a planning application, requiring assessment of the impact of development and if necessary suitable mitigation. The Environment Act (2021) has introduced a requirement for the Council to undertake an Air Quality Strategy which is currently being prepared and will inform any future planning decisions and future policy development.</p>

Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement.
		<p>The Local Plan retains a positive strategy for the management of the historic environment, which reflects the NPPF. Since 2019, there have been some important additions to protected heritage in the Borough with the addition of 2 new scheduled monuments (Roman Villa at Ingleby Barwick and the S&DR track bed at Preston Park) and 1 new listed structure (Fountain at Ropner Park, grade II). These assets are within areas of open space and designation does not impact on Local Plan policies. There have been no changes to the heritage at risk register, with 2 buildings remaining on the list and 2 buildings have been formally de-listed by Historic England.</p> <p>Historic England have identified various strategies and requirements for Local Plans to include policies on tall-buildings, which can complement the application of existing policies in the Local Plan and also influence any future review of Local Plan policies. Historic England reference work on a heritage action zone which will celebrate heritage assets linked to the Stockton and Darlington Railway, with the possibility of appraising conservation areas and other heritage assets. Officers have commenced background work on appraising a number of conservation area reviews which will be taken forward in 2024.</p>
<p>No new sites have become available since the finalisation of the adopted local plan which require the spatial strategy to be re-evaluated.</p> <p>PROMPT:</p> <p>Consider if there have been any new sites that have become available, particularly those within public ownership which, if they were to come forward for development, could have an impact on the spatial strategy or could result in loss of employment and would have a significant effect on the quality of place if no new use were found for them.</p> <p>Consider whether any sites which have now become available within your area or neighbouring areas could contribute towards meeting any previously identified unmet needs.</p>	Agree	No significant new sites have been permitted since the Local Plan was adopted.

Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement.
<p>Key planned infrastructure projects critical to plan delivery are on track and have not stalled / failed and there are no new major infrastructure programmes with implications for the growth / spatial strategy set out in the plan.</p> <p>PROMPT: You may wish to review your Infrastructure Delivery Plan / Infrastructure Funding Statement, along with any periodic updates, the Capital and Investment programmes of your authority or infrastructure delivery partners and any other tool used to monitor and prioritise the need and delivery of infrastructure to support development.</p> <p>Check if there have been any delays in the delivery of critical infrastructure as a result of other processes such as for the Compulsory Purchase of necessary land.</p> <p>Identify whether any funding announcements or decisions have been made which materially impact upon the delivery of key planned infrastructure, and if so, will this impact upon the delivery of the Local Plan.</p> <p>A11.</p>	Agree	<p>The Council continue to support improvements to the public transport network and routes for pedestrians and cyclists to deliver a sustainable transport network. The progress of the Sustainable Transport Schemes and Highways Infrastructure schemes included within Points 4 and 7 of the Local Plan are monitored within the Annual Monitoring Report.</p> <p>The sites and routes which are safeguarded in the Delivering a Sustainable Transport Network section 4 of Policy TI1 of the Local Plan are still desirable and continue appropriate to safeguard. The cycleway/footway from Durham Lane to Elton Interchange is currently being delivered. The new footbridge over the railway line at Eaglescliffe Station has obtained prior approval consent from the local planning authority.</p> <p>The Council seeks to ensure the road network is safe and journey times are reliable. Using the data recorded within the Annual Monitoring Report, in regards to delay times on locally managed A roads, it demonstrates that the delay time was significantly reduced during covid and is now slightly rising again. The bus and train station patronage also significant reduced during 2020/21 covid period, which is now increasing steadily. However, it is highlighted that it has not returned to pre-pandemic levels and there has been a change in people's travel behavior, such as the rise of working from home.</p> <p>The targeted improvements to the strategic road network included within the Highways Infrastructure section 7a of Policy TI1 of the Local Plan are either complete, underway or currently within the design process. The local road network targeted improvements within the Highways Infrastructure section 7b of Policy TI1. The A689 at Wynyard improvements at A1185 Seal Sands Link Road and Wynyard West have been completed. The remaining local road network improvements are currently in design and remain appropriate to safeguard.</p> <p>Policy TI2 remains fir for purpose with community infrastructure being secured as required through the determination of planning applications. Land safeguarded for a crematorium in Stockton and for a leisure centre and community centre in Ingleby Barwick have all been delivered.</p>

	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement.																														
			Infrastructure associated with the key housing sites at Wynyard and West Stockton informed through the associated masterplans continue to the secured through the associated housing applications.																														
A12	<p>All policies in the plan are achievable and effective including for the purpose of decision-making.</p> <p>PROMPT: Consider if these are strategic policies or those, such as Development Management policies, which do not necessarily go to the heart of delivering the Plan's strategy.</p> <p>Identify if there has been a significant increase in appeals that have been allowed and /or appeals related to a specific policy area that suggest a policy or policies should be reviewed.</p> <p>Consider whether there has been feedback from Development Management colleagues, members of the planning committee, or applicants that policies cannot be effectively applied and / or understood.</p>	Agree	<p>Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p>The Council's appeal performance since the adoption of the Local Plan is set out in the table below, excluding withdrawn appeals and appeals rejected by the Planning Inspectorate. Since April 2019 the Planning Inspectorate has dismissed over 65% of appeals. Of the allowed appeals only one case related to a scheme greater than 10 dwellings, this being a proposal to expand an existing Local Plan commitment (Policy H2.Y5) to the South of Yarm School Playing Fields expanding the site area and increasing the number of dwellings from 100 to 300 dwellings. No appeals for major commercial developments have been allowed during the period.</p> <table border="1" data-bbox="1317 767 2051 999"> <thead> <tr> <th></th> <th>Allowed</th> <th>Dismissed</th> <th>Part Allowed /Dismissed</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2019/20</td> <td>14</td> <td>34</td> <td></td> <td>48</td> </tr> <tr> <td>2020/21</td> <td>6</td> <td>22</td> <td>1</td> <td>29</td> </tr> <tr> <td>2021/22</td> <td>14</td> <td>12</td> <td>1</td> <td>27</td> </tr> <tr> <td>2022/23</td> <td>7</td> <td>13</td> <td></td> <td>20</td> </tr> <tr> <td>Total</td> <td>41</td> <td>81</td> <td>2</td> <td>124</td> </tr> </tbody> </table> <p>The policies in the Local Plan remain effective for the determination of planning applications with feedback from statutory consultees not highlighting any fundamental problems. However, changes in circumstances mean that a number of policies could benefit from an update.</p> <p>Amendments to the use-class order including the creation of the E-use class which merges retail and office amongst others into a single use class. This has an influence on the application of Policies EG2, EG3 and EG6, which relate to the determination of retail planning applications.</p>		Allowed	Dismissed	Part Allowed /Dismissed	Total	2019/20	14	34		48	2020/21	6	22	1	29	2021/22	14	12	1	27	2022/23	7	13		20	Total	41	81	2	124
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	Matters to consider	Agree / Disagree	Extent to which the local plan meets this requirement.
			Improvements to Part L of the Building Regulations to require increased energy efficiency in new buildings. This improvement affects the application of policy ENV1 which requires new development to achieve a 10% reduction in CO ² over and above the existing building regulations.
A13.	<p>There are no recent or forthcoming changes to another authority's development plan or planning context which would have a material impact on your plan / planning context for the area covered by your local plan.</p> <p>PROMPT: In making this assessment you may wish to:</p> <ul style="list-style-type: none"> ● Review emerging and adopted neighbouring authority development plans and their planning context. ● Review any emerging and adopted higher level strategic plans including, where relevant, mayoral/ combined authority Spatial Development Strategies e.g. The London Plan. ● Review any relevant neighbourhood plans ● Consider whether any of the matters highlighted in statements A1-A12 for their plan may impact on your plan - discuss this with the relevant authorities. ● Consider any key topic areas or requests that have arisen through Duty to Cooperate or strategic planning discussions with your neighbours or stakeholders - particularly relating to meeting future development and /or infrastructure needs. 	Agree	<p>Reason (with reference to plan policies, sections and relevant evidence sources):</p> <p>In preparing the Local Plan, the Council agreed a statement of common ground with neighbouring authorities which identified the broad levels of housing growth across the Tees Valley. Housing requirements in adopted and emerging Local Plans remain committed to these targets.</p> <p>Prior to the Council adopting the Local Plan both Hartlepool Borough Council and Redcar and Cleveland Council adopted Local Plans (May 2018). Neither Council has identified plans to produce new Local Plan documents.</p> <p>A garden village has been announced within the part of Wynyard Park in Hartlepool Borough and a planning application has subsequently been submitted for additional homes not anticipated in the Local Plan and Wynyard Masterplan and has potential implications for the Local Plan strategy in the Wynyard area.</p> <p>Following adoption of the Local Plan other neighbouring authorities have adopted Local Plans including Durham County Council (2020), Hambleton District Council (2021) and Darlington Borough Council (2022). None of these plans have negatively impacted the Council or have identified unmet needs for neighbouring authorities to meet.</p> <p>Natural England's advice on nutrient pollution affecting protected habitats in the River Tees Catchment affects all local authorities in the Tees Valley as well as North Yorkshire County Council, Durham County Council and Eden District. The Council's are working together with Natural England to identify solutions to this issue and unlock development. In addition Natural England has introduced strategic mitigation for the Tees.</p>

Matters to consider		Agree / Disagree	Extent to which the local plan meets this requirement.
			The Environment Act has also introduced the need for Local Nature Recovery Strategies. Stockton-on-Tees Borough is within the Tees Valley LNRS. It is anticipated that the LNRS will be complete in 2025 and the Council is engaging with the Tees Valley Combined Authority, Natural England and other local authorities in the preparation of the strategy.
A14.	<p>There are no local political changes or a revised / new corporate strategy which would require a change to the approach set out in the current plan.</p> <p>PROMPT: In making this assessment you may wish to:</p> <ul style="list-style-type: none"> Review any manifesto commitments and review the corporate and business plan. Engage with your senior management team and undertake appropriate engagement with senior politicians in your authority. Consider other plans or strategies being produced across the Council or by partners which may impact on the appropriateness of your current plan and the strategy that underpins it, for instance, Growth Deals, economic growth plans, local industrial strategies produced by the Local Economic Partnership, housing/ regeneration strategies and so on. 	Agree	<p>A number of Council strategies have emerged since the Local Plan was adopted including the Inclusive Growth Strategy, Fairer Stockton Framework and Environmental Sustainability and Carbon Reduction Strategy. The aims and objectives of these strategies broadly align with Local Plan policies and there are no significant changes which trigger the need for an update to the plan.</p> <p>In July 2023 the Council introduced its 'Powering our Future' programme which will set out a new ambitious long term vision for the future of the Borough. This activity is at an early stage and the outcomes of this work are likely to influence the strategic direction of the council. As a result this emerging agenda does not impact on the current Local Plan although will be considered within any future Local Plan.</p>

	ASSESSING WHETHER OR NOT TO UPDATE YOUR PLAN POLICIES	YES/NO (please indicate below)	
A15.	You AGREE with <u>all</u> of the statements above	No	<p>If no go to question A16.</p> <p>If yes, you have come to the end of the assessment. However, you must be confident that you are able to demonstrate and fully justify that your existing plan policies / planning position clearly meets the requirements in the statements above and that you have evidence to support your position.</p>

			Based on the answers you have given above please provide clear explanation and justification in section A17 below of why you have concluded that an update is not necessary including references to evidence or data sources that you have referenced above. Remember you are required to publish the decision not to update your local plan policies. In reaching the conclusion that an update is not necessary the explanation and justification for your decision must be clear, intelligible and able to withstand scrutiny.
A16.	You DISAGREE with one or more of the statements above and the issue can be addressed by an update of local plan policies	Yes	If yes, based on the above provide a summary of the key reasons <u>why</u> an update to plan policies is necessary in section A17 below and complete Section B below.
A17.	<p><u>Decision:</u> Update plan policies</p> <p>Reasons for decision on whether or not to update plan policies (clear evidence and justification will be required where a decision not to update has been reached):</p> <p>Other actions that may be required in addition to or in place of an update of plan policies</p> <p>Although the majority of the Local Plan policies remain up to date, changes to legislation, planning policy and guidance means that many policy areas would benefit from being updated. The review has identified that there is a need to update the following elements of the Local Plan:</p> <ul style="list-style-type: none"> • The strategic needs set out in the Local Plan require an update to consider the Local Housing Need as a starting point and to update the needs for new retail development. • To understand the future need for and potential opportunities for strategic environmental mitigation at North Tees which can unlock employment land allocations at Seal Sands and North Tees • To further consider the implications of nitrogen pollution and Natural England's 'Nutrient Neutrality' advice, in addition to the requirement for new development to identify a mandatory 10% Biodiversity Net Gain. • Development Management Policies that have been impacted by amendments to the Use Classes Order, in particular the creation of Use Class E. 		
	B. POLICY UPDATE FACTORS	YES/NO (please indicate below)	Provide details explaining your answer in the context of your plan / local authority area

B1	Your policies update is likely to lead to a material change in the housing requirement which in turn has implications for other plan requirements / the overall evidence base.	Yes	The impact of an update to the Local Plan on the housing requirement is unknown. However, as an update to the Local Plan will be required to consider an extended time horizon, it is possible that additional housing above LHN may be required once demographics, market trends and future economic growth have been appropriately assessed and considered.
B2	The growth strategy and / or spatial distribution of growth set out in the current plan is not fit for purpose and your policies update is likely to involve a change to this.	No	The housing and economic growth strategy set out in the Local Plan remains appropriate to consider planning applications in the short-term. However, in the medium to long term there may be a need to update this strategy as part of a new Local Plan. In the longer term there may be concerns over the strategy for new town centre uses, depending on the need for new comparison retail floorspace.
B3	Your policies update is likely to affect more than a single strategic site or one or more strategic policies that will have consequential impacts on other policies of the plan.	Yes	<p>The recalculations for the housing requirement are unlikely to have significant implications in the short term to housing given the LHN is below the Local Plan requirement and many of the allocations/commitment are underway or progressing with planning applications.</p> <p>Current retail trends combined with the changes to the use classes order limit the effectiveness and ability of the current policies to control changes to and from retail use. Combined with the Councils own regeneration strategy for the defined centres, there are consequences for strategic policies across the local plan.</p> <p>Within Seal Sands, a strategic mitigation solution has not progressed but at this stage requires further investigation of the available evidence in line with the steps outlined in the Local Plan. Taken as a whole the policies in the Local Plan, in particular those in the Overall the environment chapter remains consistent with policy in the NPPF and other guidance, although a review would provide an opportunity to align with other Council strategies and aspirations.</p> <p>The introduction of 'Nutrient Neutrality' is affecting the delivery of key development proposals for housing and other overnight accommodation which is a significant factor cutting across a series of strategic sites and policies.</p>
<p>You have answered yes to one or more questions above.</p>			<p>You are likely to need to undertake a full update of your spatial strategy and strategic policies (and potentially non-strategic policies). Use your responses above to complete Section B4.</p>

	<p>You have said no to <u>all</u> questions (B1 to B3) above</p>		<p>If you are confident that the update can be undertaken without impacting on your spatial strategy and other elements of the Plan, you are likely to only need to undertake a partial update of policies. Complete Section B4 to indicate the specific parts / policies of the plan that are likely to require updating based on the answers you have given above.</p>
<p>B4</p>	<p>Decision: Full Update of Plan Policies/ Partial Update of Plan Policies (delete as necessary) Reasons for scope of review:</p> <p>The Local Plan provided strategic policies to meet anticipated development needs up to 2032 and there is a need to undertake a new Local Plan to ensure that a replacement can be brought in to force well in advance of this timeline being met. A new Local Plan would allow the Council to consider a positive strategy for future growth across the Borough beyond 2032, having regard to the needs and aspirations of communities and businesses in our area. This option would allow the Council to move forward having regard to the emerging legislative and policy context.</p> <p>As detailed within the toolkit above, consideration needs to be given to the change in calculating a housing requirement with the LHN and standard methodology being the starting point alongside consideration of other factors including the areas demographics, market trends and future economic growth. In addition, whilst it is anticipated further demand for comparison retail floorspace is unlikely, the Council’s retail need and available capacity needs further consideration in view of the changing retail environment, shopping habits and changes to the use classes order. All of which have implications for the Council’s current policy approach. A further consideration are the environmental implications such as nutrient neutrality which has implications for industrial and residential developments. All of these factors are considered to have potential consequences for several strategic sites and/or policy implications and therefore a full update to the Local Plan is required.</p> <p>Reforms to planning legislation aim to introduce a system which will facilitate the production of a Local Plan within a 30-month time period from when work officially commences on a new plan. This system is expected to come in to force from Autumn 2024. Further details of those regulations and updated policies and guidance are awaited, therefore there remains the potential for change.</p> <p>It is currently envisaged that Government will invite local authorities to prepare new Local Plans in a phased roll-out from Autumn 2025. This will involve 10 ‘front-runner’ authorities with further phases every 6-months allowing 25 local authorities to commence Local Plans. Authorities will be allowed to commence based on their ranking chronologically from the date that they have most recently adopted a plan containing strategic priorities.</p> <p>An alternative option exists where the Council commence a new Local Plan under the existing legislative process. However, this would require the submission of the Local Plan to the Secretary of State in June 2025. This 18-month period is unlikely to be sufficient to develop a robust strategy and engage with communities effectively. This approach would also result in the Council producing an old-style Local Plan, which would not be designed to meet the</p>		

Government's aspirations of a more digital based planning system. There is the possibility that this route could also lead to the need to undertake an early review of the plan following adoption.

Given the above, it is recommended that preparatory work for a new Local Plan should commence immediately, with a review of the evidence base and early engagement with our communities linking in to the council's 'Powering our Future' programme and emerging regeneration proposals. Such measures may also include related project management activity, developing suitable elected members steering groups and associated decision-making arrangements. However, the formal commencement on a new style Local Plan would only commence when the emerging Local Plan system comes in to force although the Council has aspirations to be involved early in the production of a 'new style' Local Plan and has commenced engagement with DLUHC to understand the process and express an interest in the 'new-style' local plan approach.

In the intervening period the Council will consider planning applications on a case-by-case basis starting with policies within the Local Plan and having regard to material considerations where necessary. As noted above, as the Local Plan housing requirement is in need of review the NPPF currently advises that five-year housing supply will be considered against the Government's housing standard methodology. The Council is currently able to demonstrate a five-year supply against this methodology. Notwithstanding this current position, there may be future changes to national policy and / or the Government's Standard Methodology which could affect this position. Such circumstances will be considered through the determination of planning applications.

The emerging planning reforms may also impact on the approach to considering planning applications before a new Local Plan comes in to force. The Regeneration and Levelling Up introduces the concept of National Development Management Policies (NDMP) which will have an equivalent status in the decision-making process to the Local Plan. As NDMPs are brought in to force it is anticipated that the application of existing adopted Local Plan policies may be affected.

Date of assessment:	27/11/2023
Assessed by:	Stockton-on-Tees Borough Council Planning Services Team
Checked by:	POS Enterprises, the consultancy arm of the Planning Officers Society.
Comments:	The conclusions of the review are set out in the response to Section A17 of the PAS toolkit. The critical friend sees no reason to dissent with any of the four reasons given. Section B of the draft review develops these conclusions further.

	<p>The issue then is one about the timing of an update of the local plan. Section B4 sets out a useful discussion of the approach proposed for an update of the local plan, including matters of timing. This is considered to represent sound reasoning and present a practical way forward.</p> <p>As a matter of strict law, work on a new local plan can only begin when the relevant provisions are the subject of a commencement order. It would also be beneficial to refer to that preparatory work including project management activity, including setting up suitable elected member steering and decision-making arrangements.</p>
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Appendix 1 – Policy H1 Housing Supply Update

Allocation Type	Location	Reference	Name	Area (ha)	Total Dwellings 2018 (approx)	Change in Total Dwellings	Remaining Supply April 2023
Commitment	Eaglescliffe	H1.2.E1.	Urlay Nook	6.8	145	0	0
		H1.2.E2.	Allens West	40.9	845	0	797
		H1.2.E3.	West Acres	2.6	81	-18	0
		H1.2.E4.	Hunters Rest Farm	6.5	130	-21	98
		H1.2.E5.	South of Urlay Nook Road	2.02	23	-1	13
	Ingleby Barwick	H1.2.IB1.	The Rings	19	480	0	0
		H1.2.IB2.	Sandhill	7	138	0	0
		H1.2.IB3.	Little Maltby Farm, Low Lane	35	1155	0 * ¹	1014
		H1.2.IB4.	Blair Avenue	0.9	40	-40	0
		H1.2.IB5.	Roundhill Avenue	4.3	65	0	65
		H1.2.IB6.	Betty's Close Farm	2.1	17	0	16
		H1.2.IB7.	Lowfield	4.2	66	3	69
	Regenerated River Tees Corridor	H1.2.R1.	North Shore Home Zone (Phase 3)	1.9	82	0	0
		H1.2.R2.	Navigation Way	3.9	150	-33	117
		H1.2.R3.	Parkfield and Mill Lane Regeneration Scheme	3.3	117	0	0
		H1.2.R4.	Former Visqueen Site	15.8	480	-30	0
		H1.2.R5.	Alma House	0.62	34	0	0
		H1.2.R6.	Parkin Street	0.2	43	0	43
	Stockton	H1.2.S1.	Summerville Farm	17	340	+14	102
		H1.2.S2.	Corus Pipe Mill	7.9	311	0	0
		H1.2.S3.	Norton Park Regeneration Scheme	4.4	174	0	0
		H1.2.S4.	Former Blakeston School	3.3	80	0	0
		H1.2.S5.	South of Junction Road	3.9	96	0	0
	Thornaby	H1.2.T1.	Land South of Cayton Drive	1.6	45	0	0
	Village Sites	H1.2.V1.	Jasper Grove, Stillington	1.7	55	0	6
H1.2.V2.		South Avenue, Stillington	1.1	39	0	0	

		H1.2.V3.	Kirk Hill , Carlton	3	61	0	0
		H1.2.V4.	Land South of Kirklevington	10.8	145	0	41
		H1.2.V5.	Land West Of St Martins Way, Kirklevington	5.6	90	+7	97
		H1.2.V6.	Jasmine Fields, Kirklevington	1.3	19	+1	0
		H1.2.V7.	Thorpe Beck Farm, Thorpe Thewles	1.4	24	+7	0
		H1.2.V8.	Land North of Thorpe Thewles	3.1	40	+3	0
	Wynyard	H1.2.W1.	Land at Wynyard Village	82.6	500	+124	411
		H1.2.W2.	Wellington Drive	21	44	+82	126
	Yarm	H1.2.Y1.	Morley Carr Farm	22.2	350	0	0
		H1.2.Y2.	Tall Trees	16.3	288	-12	118
		H1.2.Y3.	Land South of Green Lane	16	357	+11	0
		H1.2.Y4.	Mount Leven & Land off Busby Way	30	346	0	346
		H1.2.Y5.	Land South of Yarm School Playing Fields	10.5	100	+200	300
Allocation	Billingham	H1.5.2.	Former Billingham Campus School Site*	10.9	150	0	150
	Eaglescliffe	H1.5.7.	Eaglescliffe Golf Course**	8.9	150	0	150
	Regenerated River Tees Corridor	H1.3.1.	Victoria Estate	5.1	210	-67	46
		H1.3.2.	Queens Park North	15.3	400	0	134
		H1.3.3.	Land off Grangefield Road	19	600	0	600
		H1.3.4.	Yarm Road*	1.1	30	0	30
		H1.4.	Tees Marshalling Yard	34	1100	0	1100
	Stockton	H1.5.1.	Darlington Back Lane*	1	25	0	25
		H1.5.3.	Bowesfield	6.5	150	0	150
		H1.5.4.	Kingfisher Way	1.4	37	0	37
		H1.5.5.	South of Kingfisher Way	0.5	20	6	26
		H1.6.a..	West Stockton SUE 'Allocated Land'	115.2	2150	+140 *2	2256
	Thornaby	H1.5.6.	Magister Road, Thornaby	0.6	20	0	20
	Wynyard	H1.8.	Wynyard Park	66.6	1100	0	753
Reserve	Stockton	H1.6.b..	West Stockton SUE 'Reserve Land'	19.6	400	0	400

*1 – Potential for numbers on Little Maltby Farm allocation to be reduced.

*2 - Several applications under consideration which may increase this further.

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AGENDA ITEM**REPORT TO COUNCIL****24 JANUARY 2024****REPORT OF CORPORATE
MANAGEMENT TEAM****CONSENT STREET TRADING POLICY REVIEW 2024****SUMMARY**

To inform Council of the results of a public consultation, a draft consent street trading policy and the proposal to designate the whole borough a consent area for the purposes of street trading.

REASONS FOR RECOMMENDATION(S)/DECISION(S)

The current consent street trading policy is outdated. The General Licensing Committee agreed to a public consultation on a draft resolution for (minimum 28 days) under Paragraph 2(1) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, to designate the whole borough as a consent area for the purposes of street trading.

RECOMMENDATIONS

1. Note the contents of this report.
2. The proposed resolution to designate the whole borough as a consent area for the purposes of street trading.

BACKGROUND

1. "Street Trading" is defined in paragraph 1 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP) Act 1982) – as "the selling or exposing or offering for sale of any article (including a living thing) in a street". For the purposes of the Act this would include private land that the public has access to without payment.
2. Under the provisions of Schedule 4, a Local Authority may designate streets within its borough as either:
 - Prohibited Streets - in which street trading is not allowed.
 - Licence Streets - in which a licence to trade is required.
 - Consent Streets - where prior consent requirements operate.
3. In 1987, the resolution to adopt Schedule 4 of the LG(MP) Act 1982 was taken, members approved a list of consent streets and prohibited streets, in 1999 the current street trading consent conditions were agreed and in 2001 the policy was amended to add Yarm Lane as a prohibited street, the regime has remained largely unchanged since.
4. The Council has no control in areas where it has not designated a street as either a consent or prohibited street. This has resulted in the Council being ineffective to respond to complaints associated with trading and inefficient in responding to requests to trade in areas where no provisions exist.

5. In addition to this the current list of prohibited and consent streets is no longer relevant in redeveloped areas and is inflexible with the developing Town Centres and Place strategies.

DETAIL

6. The proposed resolution will designate the whole borough as a consent area for the purposes of street trading. The proposal balances the rights:
 - of an applicant to trade in the borough, and to have the application considered on its own merits;
 - against the right of any person to live in the borough without being disturbed by the trading activity and,
 - of established businesses to continue trading, creating a vibrant local economy.
7. Making the whole borough a consent area allows flexibility and fit with redevelopment. When granting or renewing a consent, the Council may attach any reasonable conditions and can, at any time, vary the conditions attached to the consent. The consent cannot be granted for more than twelve months and can be revoked at any time.
8. Whilst there will be an additional increase in administration and cost to a business wishing to trade in an area previously not covered, this is already the case nationally and in neighbouring local authorities and the scheme will provide several benefits which include:
 - Provide protection to existing traders, and security to consent holders, as any new trader will have to apply to the Council for permission to trade.
 - Consultation process for any new application where local representations will be considered, ensuring any new application meets local needs.
 - Traders will be regulated to protect the public across the borough.
 - Higher quality street trading concessions in the right location will enhance the local environment.
 - Initiatives such as environmental credentials could be considered.
 - Permits a future proof, business friendly, demand led approach.
 - Opens areas and remains relevant to reflect redevelopment.
 - Gives better regulation on the obstruction of and repair to damage of the highway.
9. A resolution designating the whole borough means that as areas evolve during redevelopment, the resolution remains relevant and the Council retains control without having to revisit the list of consent streets with the aim to:
 - Prevent obstruction of the streets.
 - Ensure the safety of persons using streets.
 - Recognise the importance of businesses to the local economy and the character of the area.
 - Ensuring that the activities do not cause nuisance or annoyance to the people of the area.
10. The Local Government Miscellaneous Provisions Act 1982 Schedule 4 sets out the statutory process for designating a consent area and rescinding the existing street trading resolution. Statutory consultation must take place, statutory consultees are:
 - Public
 - Police
 - Highways
11. Consultation is critical to ensure any changes to the street trading resolution are clear and transparent for businesses, members, responsible authorities and the public. The statutory consultation process was followed including an advert in the Evening Gazette dated 11 July 2023. A report containing a summary of the results of the online public consultation is attached as **Appendix 1**.

12. Alongside the online consultation in depth discussions have helped to shape the revised policy and the application / determination process. These discussions have included:
 - Existing traders
 - Potential Traders
 - Voluntary Sector
 - Charity and non-profit groups
 - Parish Councillors
 - Members
 - Council Departments
13. A copy of the revised draft consent street trading policy 2024, which outlines how officers will manage and review the regime including the application / determination process is attached as **Appendix 2**.
14. The most significant changes following the consultation have been around:
 - Non for profit and charity fundraising (detailed at pg. 3 of the draft policy document)
 - DBS and convictions information (detailed at pg. 8 and Appendix 3 of the draft policy document)
15. The revised policy document has been circulated for comments to all respondents to the consultation who provided contact details and again internally with Council departments. Additional responses to the revised policy are attached as **Appendix 3**.
16. On 14 November 2023 the General Licensing Committee considered the revised policy document, no further comments were received on the policy and the Committee agreed and noted the report. Officers explained to members the draft policy would also help as a regulatory tool for nuisance pedlars at events.

Next Steps

17. If the resolution is agreed the Council shall publish notice of the final resolution in a local newspaper and on the Council website advertising of the decision. (This should be no later than 28 days before the date of operation of the new scheme).
18. Taking these dates into consideration it is proposed any changes would come in to effect after 1 March 2024.

COMMUNITY IMPACT IMPLICATIONS

The administration and enforcement of the licensing regime will assist in reducing any community impact implications.

FINANCIAL IMPLICATIONS

The LG(MP) Act 1982 Schedule 4 paragraph 9 confirms that a council “may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or street trading consent”.

The cost of administering the consent street trading scheme can be recovered through fees, which are set locally and reviewed annually. Fee setting is delegated to officers under the Councils constitution. The fees will be set at a level to recover the cost of the scheme and can take into account the location, the duration of the consent, trading hours, and the articles to be sold.

LEGAL IMPLICATIONS

The proposal is for Stockton Borough Council to designate the whole of the borough as a consent area. The proposed street trading policy must be in accordance with the powers granted in Section 3 and Schedule 4 of the LG(MP) Act 1982. The implementation and operation of the consent street trading policy will be done in accordance with the legislation and associated guidance.

If a person is aggrieved with the adoption of the consent street trading policy then they could challenge it by Judicial Review proceedings before the Administrative Court. A claimant must file a claim promptly, and in any event not later than three months after the grounds to make the claim first arose.

RISK ASSESSMENT

The risks associated with the consent street trading policy are mitigated by the administration and enforcement provisions of legislation and associated guidance.

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

The administration and enforcement provisions within the legislation and associated guidance follow the council plan principles and priorities.

CORPORATE PARENTING IMPLICATIONS

None.

CONSULTATION INCLUDING WARD/COUNCILLORS

The Cabinet Member for Access, Communities and Community Safety has been consulted, along with all Members, Responsible Authorities, the trade and other interested parties. Statutory consultees are the public, the Police and the Highways Authority, all three have been consulted.

Name of Contact Officer: Marc Stephenson
Post Title: Assistant Director Community Safety & Regulated Services
Telephone No. 07341073745
Email Address: marc.stephenson@stockton.gov.uk

Education related? No

Background Papers
Appendices

Ward(s) and Ward Councillors:
Not applicable – does not relate directly to specific wards.

Property

Not applicable.

Consent Street Trading Policy Review Public Consultation 2023

Summary Overview 49 responses to the consultation

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Do you agree with Proposal?			
	Yes	No	Not sure
Member of the public	13	10	1
Existing Trader	1	3	1
Potential Trader	4	2	
Interested Parties	1	4	1
Other	3	5	

Members of the Public – In Agreement with Proposal - Responses to Consultation

Have you been involved in any street trading in the last 12 months	Do you agree, Tell us why	What should be included/excluded from the current conditions	Officer Comments / Actions
As a visitor to, or customer of street trading	YES - It will make it a fair opportunity for trade for everyone. Provided the fees charged are reasonable.		
None of the above	YES		
None of the above	YES - More opportunity for traders/local businesses to operate in various locations and gives members of the public more variety and choice within their communities.	Not that I can think of at present.	
As a visitor to, or customer of street trading	YES		
None of the above	YES		
As a visitor to, or customer of street trading	YES		
None of the above	YES	Exclude rights to play music/use microphones/voice enhancers.	This could be added to a consent as an additional condition if any complaints / issues after a consent granted.
None of the above	YES		

Have you been involved in any street trading in the last 12 months	Do you agree, Tell us why	What should be included/excluded from the current conditions	Officer Comments / Actions
None of the above	YES - I actually thought this was already the case and I am surprised if its not.	Pedlars should be excluded.	Pedlars are excluded from the CST regime, this is detailed in legislation and policy, email to respondent to advise.
None of the above	YES		
None of the above	YES - I think its a very good idea as traders know what is expected of them. I hope the peddlers are dealt with and turned out of the town centre. They turn up every time they know there will be a crowd, i.e., xmas light switch on, fireworks, SIRF etc. selling their cheap dangerous toys for extortionate amounts which break within10 mins.	Stop the peddlers selling, give the local traders a chance to trade.	Pedlars are excluded from the CST regime. However, the regime will provide increased enforcement tools to deal with those pedlars not 'peddling' and trading from a fixed location.
None of the above	YES		
As a visitor to, or customer of street trading	YES - To prevent over development and extensive spill over onto public paths which can impact on those with disabilities.	No street trading installations to be allowed without consultation with council officers and a code of conduct to ensure clear public passage.	Clarification on accessibility added to draft policy to meet accessibility legislation all trading locations will need an access route of minimum of 1.5m past the location.

Members of the Public – Not in Agreement with Proposal - Responses to Consultation

Have you been involved in any street trading in the last 12 months?	Do you agree with the proposal? Tell us why, and include any improvements or alternative suggestions?	Do you have any suggestions of what should be included/excluded from the current conditions attached to street trading?	Officer Comments / Actions
As a visitor to, or customer of street trading	NO		Has not provided any details why or alternatives to consider.
As a visitor to, or customer of street trading	NO - This will harm many of the small independent traders who provide such an important part of our communities.		No contact details provided.
None of the above	NO - For people that sell honey from the door, they are generally small scale hobbyists. They tend to be retired people who spend a great deal of time both developing associations, teaching people, and doing good for the environment. They tend to sell off excess honey quite cheaply and seldom make any profit given the time taken to produce the honey, required equipment. This is another bureaucratic move from the council to try and collect small money which will result in fewer people taking up the hobby and therefore harm personal webbing of those practicing beekeeping. Better to spend you time and effort in removing the drugs free m our area which is devastating our area.		Selling goods door to door is not within the scope of the consent street trading regime. Email to respondent.
None of the above	NO - Private land/property does not constitute a street so why would a street trading licence be required.		Private land is included in the CST regime, if public have access.
None of the above	NO - Potential impact on people selling their own property from outside their own property, particularly cars. My suggestion would be to exclude residential areas from this change.	No	Selling vehicles from the roadside, is included in the policy, but compliance will be aimed at repeat or commercial sellers.

<p>As a visitor to, or customer of street trading</p>	<p>NO - I enjoy going to local fairs that have local small businesses that would not be able to afford premises, and charity stalls. I have bought many good items over the years and do want to support small local businesses rather than buy things from the internet. I also want to support our charities, and these stalls are an excellent way of doing this. Whilst buying items, it is a chance to donate to the charities in other ways. For small craft businesses for instance, as well as charities, the bureaucracy involved would be quite off-putting. I don't think I have bought anything that I could buy in a shop in the borough. The rules in the proposals would be very restrictive indeed, and I see no need for DBS checks on such stalls that would not need them otherwise if indoors.</p>	<p>I think small businesses and charities/churches/general voluntary sector organisations should be excluded. We surely want to support such in Stockton Borough? I am pleased that a stop could be put to any trader having a stall that impedes pedestrians on a pavement. It would be good if shops could be stopped from putting out advertising material on the pavement causing problems too.</p>	<p>Non profit / charity trading is covered in detailed in the updated draft policy document.</p> <p>Advertising such as A boards is not covered in this policy and responsibility for this lies with the Highways, Transport and Design Team.</p>
<p>As a visitor to, or customer of street trading</p>	<p>NO - Will place huge burdens on organisations such as schools, churches and community groups who are trying to both fundraise & create community spirit to complete onerous applications - potential for groups to unwittingly overlook the requirements to do so is also significant. There is no rationale in the policy for the requirement of a DBS and in what ways this offers any protection. Someone giving free food or sweets away does not require a DBS but could be deemed more of a risk in terms of their intent than a trader with signage and overt purpose.</p>	<p>Exclude DBS check Exclude public spaces such as church car parks, school fields, community shared spaces.</p>	<p>Non profit / charity trading is covered in detailed in the updated draft policy document.</p> <p>No contact details provided to obtain further details.</p> <p>Reasoning and further information on DBS requirements has been added to the draft policy document</p>
<p>As a visitor to, or customer of street trading</p>	<p>? - clear whether there will be any unintended negative consequences affecting local community / voluntary/ faith groups and schools/ colleges holding fundraising / charity events and activities. - It does not mean it is a good thing because other local authorities have decided to do it. How long has it been operating in those other area, and what evidence is there of how this has made a massive difference in the other places that have already adopted this approach? - It sounds like it could create a lot of and extra expense for the groups mentioned above if they have to apply/pay for consent. If this is so, it could deter people from a lot of positive and much needed fundraising activity/events. - Including the whole Borough is likely to be very hard to consistently enforce. - Including the whole Borough is very likely to create circumstances where people are deemed to</p>	<p>Community /Voluntary/ Faith Groups and Schools / Colleges</p>	<p>Held a hour meeting with respondent, addressing some of these points.</p> <p>Non profit / charity trading is covered in detailed in the updated draft policy document.</p> <p>The respondent also refers to a pilot scheme, the full regime will be reviewed within 12-18 months of operation.</p> <p>No contact details provided to obtain further details.</p>

be breaking the law and committing a criminal act because of being in the borough rather than because they are causing a genuine nuisance or problem in the community. - It seems like a potential back door' to raise extra funds by charging fees to local voluntary /community groups, charities, and schools/colleges - that are not traders. - There could be a deluge of reports, complaints about breaches of this, and end up with a massive backlog of 'cases' to be dealt with; or some people face the consequences of failing to comply, whilst others get away with it; - It will be extremely difficult to sure that the public and businesses/organisations know and understand the consent system and process and how it applies to them. - It has not been demonstrated that this is actually seeking to address a genuine and significant problem, or just giving greater control and power to the council that is not needed or necessary? - It has not been demonstrated that this proposal is an effective and proportionate action / response to address the issue being described in the report. - The consultation is described as "critical to ensure any changes to the street trading resolution are clear and transparent for businesses, members, responsible authorities and the public" - yet the consultation process has been very limited and relatively short, and it does NOT make sure that the public and businesses have enough information and understanding about the proposal to properly understand its implications; and then properly participate in it. The words 'clear' and 'transparent' do not appear to apply - It appears to be a 'tick box' exercise rather than genuine attempt to consult and engage with those who will be impacted by its implementation. - It should be piloted and tested in a smaller area to ensure it is appropriate, effective in achieving the aims BEFORE it is rolled out across the whole borough.

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<p>As a visitor to, or customer of street trading</p>	<p>NO - Because there will probably be a cost implication to obtain the license. In the current climate so many businesses are struggling. If the cost has then to be transferred to customers there may be a fall in customer numbers if prices rise again to cover this cost. This in turn may lead to the closure of a business on already struggling high streets.</p>	<p>I need to re read the draft policy to check whether this might affect things such as preloved sales in community centres or garage sales such as that developed in Saltburn. I wonder why this policy is being introduced at this stage when business owners are already struggling. The damage this policy may cause and the possible increase in empty premises and loss of local markets.</p>	<p>Selling goods inside a community centre is not within the scope of the consent street trading regime. Email to respondent to advise.</p>
<p>None of the above</p>	<p>NO - I have concerns about the charges for this and the amount of paperwork needed and worry it would put off the smaller traders and community groups/ volunteers. These groups and people are important for the vibrancy of our borough. Smaller traders such as food producers make a positive contribution to food sustainability and the environment. They also showcase key local products that could make our area stand out. How would the costs affect groups such as schools and their fund raising activities- it could take funds away from services already under funding pressures? There should be an expectation that for example food providers have food hygiene training and it would be useful to know what is meant by a sliding scale of costs- would training, and support be part of this cost?</p>	<p>Process needs to very simple.</p>	<p>Non profit / charity trading is covered in detailed in the draft policy document.</p> <p>Application process will online and follow the current pavement licence application process.</p> <p>No contact details provided.</p>
<p>None of the above</p>	<p>NO - I believe this needs to be scalable, if street trading consent comes at a financial burden a small start up or charity may not find it viable to embark on trading or raising funds.</p>		<p>No contact details provided.</p>

Existing Traders - Responses to Consultation

Have you been involved in any street trading in the last 12 months	Do you agree with proposal? Tell us why, and include any improvements or alternative suggestions	What should be included/excluded from the current conditions	Officer Comments
Wood Fired pizza trailer operating from Billingham Beck Valley Country Park	<p>YES - As previously discussed, I believe a street trading licence adds professionalism and also security for members of the public purchasing food or other from street traders.</p> <p>I think it is also important to protect the chosen location for the street trader from others who opt not to carry out operations correctly.</p>	Pitch protection for street traders.	The CST regime will give existing traders protection over pitches not currently available. In addition, any existing trader would form part of a new grant application consultation process and their comments taken into account.
I set up Norton Green Market to bring something new to the residents of Norton	<p>I won't say Yes or No as to be honest without talking through conditions I have confusion I agree with your intention to create a street trading environment which compliments the area of trading, is sensitive to the needs of residents and nearby businesses, and which promotes consumer choice and community values, whilst ensuring the safety of the public and the prevention of nuisance. Norton Green Market was setup with similar ethics. We don't sell on the street; our businesses sell from private land which we understand could be affected.</p>	<p>To support small independent businesses who can not even attempt to rent premises on the over inflated commercial landlord rented premises on the high street. To bring our community together, reduce isolation and help support the local economy. Lots of the businesses in attendance are in the borough and through trading support the High Street. Our event is held on private land. Its community led and as such we also use the market to support community groups at no cost. We are on private land, if you were to charge us a fee to have stall holders then this would be passed onto the stall holders which would cause a greater financial burden at a time where they really don't need it. I cannot charge entry fee as my insurance goes up. Charging an entry fee for a regular market also would affect interest and footfall. I would not consider organising a market if there were increased financial costs to us as an enterprise. I totally agree on the need to protect rate paying businesses but here in Norton most don't, and we are supportive of businesses and bring new things that actually help them with trading. My issue is your</p>	<p>Email exchange with respondent to discuss concerns.</p> <p>Non profit / charity trading is covered in detailed in the updated draft policy document.</p> <p>Arranged a visit to next event 11/11/23</p>

		enforcement on private land and see schools and other events affected.	
As a stallholder / street trader; As a visitor to, or customer of street trading	NO - Many street traders operate as hobby businesses others may be start ups with both of which have can have little income. complicating the process will only make it more difficult for traders and inevitably more expensive to be a trader and lead to less diverse trade.	private land should not be considered public access for street trading purposes. Public access should be taken into account when a market is initially purposed. Many markets are run as community support events, paying to access them is counter to that very idea.	Non profit / charity trading is covered in detailed in the updated draft policy document.
Handmade furniture and homewares using local and sustainable materials. As a stallholder / street trader	NO - This will mean many markets have to discontinue, which in turn would hugely affect the trade of small local businesses and certainly cause some to close completely which would again massively affect the area and the money spent locally.	Stop trying to make money out of already struggling small businesses.	The CST regime will provide greater opportunity for markets in areas previously prohibited.
Bee Farmer producing Honey and Hive products from our home address. We sell both from the Front Door and Farmers Markets on private land. As a stallholder / street trader	NO - Best improvement would be to scrap the whole idea. This will cause the small local Farmers Markets to shutdown and put small traders like myself to go out of business.	I sell at a number of farmers markets on private land in the Stockton Borough forcing them to register as street traders and pay a fee would only deter these popular markets. The market organisers have to recoup the cost of the fee this canp only be done by 2 methods. 1. Charge the stalls a higher fee for the pitch. This additional cost would put vendors off from attending the farmers markets and the additional cost would have to be passed onto the customers by putting prices up. 2. The Market Organisers could charge an entrance fee, but this would have the knock-on effect of reducing footfall and increasing the organisers public liability insurance costs to the organiser. Again, any increase in costs would have to be passed onto the stall holders. Additionally like a lot of other Beekeepers in the area I sell to people who turn up at my front door of my house asking to buy honey this	Door to door or doorstep selling is not covered by the CST regime. The CST regime will provide greater opportunity for markets in areas previously prohibited.

proposal would mean that because they are coming onto private land to buy my Honey I would have to register as a street trader. Which means incurring additional cost. If I decide not to register as a Street Trader, people will still turn up at my door asking to buy Honey and what can I do, turn them away and tell them I can't sell to them because of the rules set by Stockton Council? All the farmers markets attend insist that I have Public Liability Insurance and a 5 star food hygiene rating as part of their insurance, this proposal is just going to add an extra layer of unnecessary bureaucracy. We make very little profit as it is, and the additional cost would probably put me out of business. Farmers Markets on Private Land. People selling goods of their own production from their own front door.

Potential Street Traders - Responses to Consultation

Have you been involved in any street trading in the last 12 months	Tell us why, and include any improvements or alternative suggestions	Officer Comments
Local honey producer, Eaglescliffe Stockton on Tees As a stallholder / street trader	NO - Basically the local council should help and promote local businesses and start ups not give them extra stealth tax to pay shocking I will look at starting my business over the border if this is brought in. Don't bring in this stealth tax!	Need further details on operation, email sent asking for contact number.
Micro business - bakery. Attend farmers markets, community events, fates etc. around Stockton, including Norton, Grange field, Billingham. As a stallholder / street trader; As a visitor to, or customer of street trading	NO - I don't agree as I feel it is just creating more red tape for a micro businesses such as mine. There are already so many hoops to jump through including food hygiene rating, PLI etc. and this is adding yet another thing and I really can't see any benefit for someone like myself who attends community events - it just seems like its to bring in money to the Council with the collection of fees. In addition, I believe it may put off organisers of community events from organising events with stalls - these people are often volunteers and again this is just something else to make putting on an event harder. Surely, we want to encourage these kinds of events that bring communities together and generate spending in the local area. The policy states - The Council is also committed to improving the support provided to small businesses, ensuring there are no unnecessary burdens placed on them - when requiring license applications is an unnecessary burden in itself. I think the Council needs to better explain the reasoning behind this proposal.	Non profit / charity trading is covered in detailed in the updated draft policy document. No contact details provided.
Barista Coffee trailer selling quality coffee from local roasters, hot and cold drinks and locally made produce/snacks. I am based on private land within my own farm, but I am looking for a pitch in the borough.	YES - By having all the information and access to it in one place, I hope it would make it easier to apply and keep everyone equal and the same standards.	Agree with proposal, CST will streamline the current application process as consent to trade on Council land will be including in one application.
Florist on private land	YES	
Coffee van selling gourmet coffee and cake/flapjacks/confectionary/snacks was hoping to take a round around the offices around the Council of Europe Blvd area. As a visitor to, or customer of street trading	YES - I think it makes sense to 'Police' what is being sold on the streets to prevent people being scammed and also to protect homeowners from nuisance. I also think it's important for existing businesses to not be crowded out. I think it sounds like a sensible and considered way forward.	

<p>I would like to look at trading location in Norton and Yam As a stallholder / street trader; As a visitor to, or customer of street trading</p>	<p>YES - Anything which opens the Borough up to trade and give traders security of locations and access to events is welcome. Access to council events organisers, and preferential treatment given to traders already trading in Borough at events, if we are already contributing to the area economy, we should be given first refusal at events could there be a link to business start ups and grants.</p>	<p>Explore how existing street traders can link into events and be given more opportunity to get involved in events.</p>
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Interested Parties - Responses to Consultation

<p>Have you been involved in any street trading in the last 12 months</p>	<p>Tell us why, and include any improvements or alternative suggestions</p>	<p>Tell us more, and include any improvements alternative suggestions</p>	<p>Officers Comments</p>
<p>Small scale Beekeeper who sells honey locally</p>	<p>NO - It will stop any beekeeper selling products at any farmers markets.</p>	<p>Please exempt small scale beekeepers.</p>	
<p>Parish Councillor</p>	<p>NO - This proposal would cause additional expense, delay and administrative burden on small private enterprises and would be a deterrent to entrepreneurship.</p>		
<p>School Governor, School has fetes etc. which are attended by members of the public with no fee required.</p>	<p>NO - Additional bureaucracy for school staff. Parent.volunteers may not have DBS. The school has safeguards in place regarding parent helpers on the premises. Food e.g., cakes may be sold - is food hygiene certificate required?</p>	<p>The policy should give more specific and adapted regulations for voluntary organisations. School premises should be exempt.</p>	<p>Need further information on events. email sent for contact details 16/10/23.</p>
<p>I am writing as a member of Stockton Fairtrade Borough Partnership. We have stalls that sell Fairtrade goods on a non profit making basis.</p>	<p>NO - Our stalls have been or planned to be at events in Ropner, Preston and John Whitehead Park. Village greens, outside places of worship. It is not clear in the proposal if it would cover marquees erected on such land. Some of these places would not be legally able to charge admission (such as a village green), and some it would be physically impossible because of the number of different access points. Having an admission charge could put people off from looking round stalls, thus not being able to look at what is on offer. There would be a lot of additional bureaucracy for us as a small group. Fees to be fixed by the Council to cover its costs are yet to be fixed. They might be nil if the</p>	<p>It does not cover such as a Fairtrade stall, where any profit is donated to a relevant charity. "Fairtrade" changes lives by changing trade. We transfer wealth back to farmers and workers in developing countries who deserve a decent income and decent work.". The policy needs to exclude organisations like ourselves.</p>	<p>Held a hour meeting with respondent, addressing some of these points. Non profit / charity trading is covered in detailed in the updated draft policy document.</p>

	<p>proceeds are to be for organisations like ourselves, but they might not, and any assurances by the current administration of the council might be changed by any future administration. Giving organisations no right to appeal is heavy handed and extremely undemocratic. The proposal has blanket coverage, and the Council could fix its own criteria for giving or withholding consent.</p> <p>If anyone of us running a stall it would be an extra administrative burden and possible cost to have a DBS check, and a severe barrier to having anyone help at the stall, even if for a very short time. No DBS check would be required for a stall exactly the same that was indoors. The proposal asks that if there will be the provision of food in any form on a stall, applicants must also have a food safety certificate. But the only food being sold is pre-packaged and sealed, not opened by anyone on the stall, so this is yet another barrier to us being able to have a stall. Stockton is a Fairtrade Borough, and these proposals would severely curtail our ability to have a stall at many events.</p>		
<p>Registered charity operating with and on behalf of colleagues in the VCSE sector</p>	<p>? - Would it be possible to extend the consultation period please? Colleagues in the community have commented to me that the consultation period has been short</p>		<p>Hour meeting with respondent discussing concerns.</p>
<p>Cleveland Fire Service</p>	<p>YES - Under the Public Safety header it is stated that the Council would expect a minimum of 1.5m of unobstructed highway/walkway on at least one side of the proposed trading unit/location. Would this be referring to roadway or path as Cleveland Fire Brigade would require 3.1m to pass through?</p>		<p>1.5m is public accessibility not vehicle accessibility. Discuss with fire.</p>

Other - Responses to Consultation

Have you been involved in any street trading in the last 12 months	Tell us why, and include any improvements or alternative suggestions	Do you have any suggestions of what should be included/excluded from the current conditions attached to street trading.	Officer Comments
<p>Small business selling from home address. As a visitor to, or customer of street trading</p>	<p>NO - The costs involved are more than I take in a year selling honey. I keep bees as an environmental positive. I sell honey which helps towards the costs. I have a site that us used by the national bee unit to monitor pest and disease. The cost of a license is more than the money I make selling honey. The money I raise I put back into the beekeeping. This proposal will make it impossible for me to keep bees.</p>	<p>Businesses with small turnover should be excluded.</p>	<p>The CST regime will not cover door to door or doorstep selling of honey. Email to respondent to advise 16/10/23.</p>
<p>Elected Member of Egglecliffe Parish Council, assisting with community events involving it & voluntary bodies. As a stallholder / street trader; As a visitor to, or customer of street trading</p>	<p>NO - The effect of the proposals, including the bureaucracy & fees, is excessive & oppressive in the light of the perceived harms (which are not quantified) of not introducing these controls to the whole Borough. It is not stated why existing problems cannot be handled under other legislation. The Report to Licensing Committee says, Human Rights Implications Consideration must be given. The restrictions imposed on the owners & occupiers of off-highway open spaces are an interference with their property disproportionate to the needs of a democratic society. Administrative convenience for the Council (e.g., when circumstances require a change in areas controlled) or synergies with other Council policies are insufficient to restrict freedoms. I suggest that the Council revisit the proposals in the light of evidence whether they are necessary. There will be a heavy burden of bureaucracy on the voluntary & community sector organising fundraising events. There is no guarantee yet that application & consent fees will be affordable or nil. While the effects of the Act may be avoided by charging admission, this may discourage attendance. In some places (e.g., village greens) charging admission may be impracticable or not legally possible. It is not stated why a Basic Disclosure Certificate (DBS) would be required.</p>	<p>The following phrases need rewording: CST5 electronic communications apparatus kept in united for the purposes of that network CST16 The Consent Holder shall ensure that a competent person in units all generators The 1st bullet point of SPECIAL CONDITIONS FOR MOBILE ICE CREAM TRADERS should apply only when the 2nd bullet point applies. Under All Traders Supporting Documents a Basic Disclosure Certificate must be not more than 6 month old under Suitability of the Applicant dated within 12 months The certificate must meet the requirements of the application type at the time of submission is nowhere explained. The term assistants appears in several places. As it is in inverted commas I would expect a definition, but there is none.</p>	<p>Held a hour meeting with respondent, addressing some of these points.</p>

	<p>Street traders do not deal with under-18's or vulnerable adults to a greater or lesser extent than other traders, so this requirement would discriminate against street traders. Has the Council checked whether people can apply for a DBS check solely because they want to be a street trader?</p>		
<p>Resident</p>	<p>NO</p>		
<p>Part of a number of voluntary, non profit making, and charity sector who has or helps at stalls on land with public access free of charge. As a stallholder / street trader; As a visitor to, or customer of street trading</p>	<p>NO - I am writing as a member of a number of organisations in the voluntary sector. Note that the whole of the consultation period is within the school holidays so many organisations have not had meetings to be able to discuss the impact of the proposals. As I understand it street affected include a road, footway, or other area to which the public have access without payment. This would mean such as parks, village greens, open spaces that are both publicly and privately owned, areas around churches, car parks, school playing fields places like Yarm High Street. Some of these would not be legally able to charge admission, and some it would be physically impossible because of the number of different access points. Having an admission charge could put people off from looking round stalls, thus having an impact on fund raising. There would be a lot of additional bureaucracy for small voluntary organisations that are needing to raise funds. Also, fees to be fixed by the Council to cover its costs are yet to be fixed. They might be nil if the proceeds are to be for charity or a non profit making organisation, but they might not, and any assurances by the current administration of the council might be changed by any future administration. Giving organisations no right to appeal is heavy handed and extremely undemocratic. The proposal has blanket coverage, and the Council could fix its own criteria for giving or withholding consent. There may well be different circumstances not covered by the legislation that would</p>	<p>There is no provision at all for the voluntary, community non profit making sector. This needs to be specifically excluded in the policy.</p>	

Page 72	need to be taken into account. If anyone running a stall, including anyone assisting in the stall will have to have a DBS check this is going to cause a huge problem for organisations where stalls and helpers do not need a valid DBS check.		
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	I note that the proposal has 2 different times for a DBS check to be valid, both 6 and 12 months. The proposal asks that if there will be the provision of food in any form on a stall, applicants must also have a food safety certificate. But there are times when the only food being sold is pre-packaged and not touched by anyone on the stall, so this is yet another burden on the voluntary sector.		
Town Council. As an organiser of street trading	NO - On behalf of the Town Council this was discussed at the Services & Engagement Committee meeting on 19th September 2023. Members object to this proposal due to the negative impact on the local voluntary sector, extra costs, and administration time on smaller not for profit organisations.		
Organiser of events in Ropner Park which include traders. As a visitor to, or customer of street trading	YES - Traders will then have to operate using the same guidelines.		
As a visitor to, or customer of street trading	YES - Traders will then have to operate using the same guidelines.		
Councillor	YES – hard copy of comments provided to Licensing		

SBC Consent Street Trading Policy 2023 – DRAFT v4 – Following Consultation

Introduction and Scope

Stockton-on-Tees Borough Council (the Council) recognises the valuable contribution that street trading can make to the local culture and economy, and the service that street traders provide to residents of the Borough, some of whom are unable to travel to centralised shopping centres. Street trading can provide people with a flexible way of working, to meet the demands of the public where and when that demand arises.

The Council is also committed to improving the support provided to small businesses, ensuring there are no unnecessary burdens placed on them and they are provided with sufficient advice to enable them to operate successfully. The intention is to create a street trading environment which complements areas of trading, is sensitive to the needs of residents and nearby businesses, and which promotes consumer choice and community values, whilst ensuring the safety of the public and the prevention of nuisance.

Local Authorities have a legal discretion to regulate street trading in their area. Street trading is covered by the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4. This street trading policy is produced in accordance with the powers granted in Section 3 and Schedule 4 of the Act. [Local Government \(Miscellaneous Provisions\) Act 1982 \(legislation.gov.uk\)](#)

Stockton-on-Tees Borough Council has designated the whole borough as a “Consent Street” area. The effect of this designation means if you want to sell goods on a street, you are classed as a street trader and, subject to legal and policy exemptions, and will need to have the appropriate consent.

Conditions can be attached to the consent as are considered ‘reasonably necessary’ and are detailed at Appendix 1. Trading without the required consent is a criminal offence.

This policy will guide the Council when it considers applications for street trading consents, and it will inform applicants of the criteria against which applications will be considered. This policy sets out the Councils framework and approach for the management of street trading in the borough which are:

- To ensure the suitability of applicants to hold a consent
- To ensure the suitability of the structures used for trading
- To control the number and location of street traders and complement existing street and premise-based trading

- To prevent obstruction of the highway by street trading activities
- To ensure that traders operate within the law, act fairly with the public and do not present a risk to public order
- To prevent public nuisance by taking measures to reduce the risk of nuisance from misbehaviour, noise, refuse, vermin, fumes, and smells
- To ensure that the process involves opportunities for consultation with relevant agencies
- To maintain the quality and add value to the townscape
- To encourage inward investment by introducing a stop one application process for businesses

Consultation

In determining this Policy, the Council has consulted with the following:

- Cleveland Police (statutory consultee) and Cleveland Fire Service
- SBC Highways, Transport and Design (statutory consultee)
- Members of the public (statutory consultee)
- Current Street Traders & Local Businesses
- Voluntary, Community and Social Enterprise (VCSE) Sector
- SBC Responsible Authorities inc. Trading Standards, Planning, Environmental Health
- SBC Regeneration and Inclusive Growth
- SBC Community Services, Environment and Culture
- SBC Adults and Health
- SBC Corporate Services
- Elected Members

Review of the Policy

This policy comes into effect on the **DATE** and supersedes any previous policies. The policy will be regularly evaluated and may be changed without full consultation to reflect:

- administrative changes
- legislative changes
- local considerations within the borough

This policy will be fully reviewed in line with the current constitution, including a review with a public consultation process within twelve to eighteen months of adoption and then when required.

If after reading this policy, you require further information please contact the Licensing Team.

Email: licensing@stockton.gov.uk Phone: 01642 524802 Web: www.stockton.gov.uk/licensing

Regulatory and Policy Framework

Street trading means selling, exposing, or offering for sale any article (including a living thing) in a street. This includes a wide range of retail activities e.g., food, beverages, arts and crafts, jewellery, household goods, clothing etc, it could also include the sale of vehicles from the roadside.

A street means any road, footway, beach, service area or other area to which the public have access to without payment. The Courts have confirmed that any land located away from the highway which the public can access without payment, including privately owned land, is capable of being a street for these purposes. For example, this could include open spaces, parks, car parks, trading estates, forecourts, business/retail parks and pedestrianised precincts.

Certain activities are exempted from street trading control by the legislation. These include:

- trading as a pedlar under a pedlar's certificate
- trading at an established market or fair the right to hold which having been obtained by a grant, enactment, or order
- trading as a news vendor
- trading at a petrol station or shop or from a street adjoining a shop which is used as part of the business of the shop
- trading as a roundsman (i.e., delivering pre-ordered goods to customers)
- trading from a licensed highway area (pavement licence)
- trading under a street collection permit for charitable purposes

The Council recognise the valuable work the charity, community and voluntary sectors contribute to the borough, which includes trading as part of fundraising activities. Organisers of these events make no commercial gain from trading and all profits made are put back into the purpose of the registered charity / association. These activities are exempted from street trading control by this policy and include:

- Trading by a registered charity or recognised association or other non-profit making organisation
- Non-profit / fundraising trading taking place within a church or educational grounds e.g., church events, school festivals and PTA events

There are no prohibited streets within the Borough. The A19 and A66 are designated as major roads, roadside sales are controlled by section 23 of the Local Government (Miscellaneous

Provisions) Act 1982 and Section 147a of the Highways Act 1980 prohibits roadside sales where it is likely to cause a danger to road users.

The Licensing and Determination Process

Each application will be dealt with on its own merits, this policy gives prospective applicants an indication as to whether their application is likely to be granted or not. It also provides prospective applicants with details of what is expected of them should an application be granted.

Applications can only be made by persons over 17 years of age, who have the right to reside and work in the UK. Some of the information provided on the application form is published on a 'Public Register' which members of the public can view. Application forms can be found on the Council website.

Stockton-on-Tees Borough Council has different types of street trading consent:

Consent Type	Notes	Examples
Annual Fixed Site Consent	An individual trader at a fixed annual site	Food vans at fixed locations
Annual Roaming Consent	An individual trader with Borough wide consent when a schedule of stop/locations is included with the application. Stops are for no more than 20 minutes at a time, and no location is revisited within a 4 hour period	Roaming ice cream / food vans with short stops at multiple locations
Annual Mobile Multi Site Consent	An individual trader with site specific consent when a schedule of locations is included with the application. Stops are longer than 20 minutes at a time	Coffee / food vans with longer stops at multiple locations
Single Use Consent (fixed site only)	An individual trader at a fixed site for a period not exceeding 72 hours (or 3 consecutive days)	Commercial seasonal trader, annual consent not needed
Temporary Event Consent (fixed site only)	Multiple traders at a temporary fixed site location for a period not exceeding 72 hours (or 3 consecutive days). The number of traders covered is as follows: Category 1 – Up to 20 traders Category 2 – Between 21 and 49 traders Category 3 – Between 50 and 75 traders Category 4 – Between 76 and 99 traders Category 5 – over 100 traders	Commercial and for profit markets and events

Application Process

Each application form must be accompanied by the following supporting documentation:

All Traders Supporting Documents (except temporary event consent)

- Details of any assistants to be included on the consent
- A Basic Disclosure Certificate (DBS) for the applicant and any assistants to be included on the consent (not more than six months old)
- Three colour photographs of the unit / vehicle that will be used for the street trading activity (Front, Back and Side views)
- A passport sized photograph of the applicant and each assistant
- FSA Food Hygiene Rating Score for food traders
- Evidence that the applicant and any person(s) operating the stall / vehicle / unit holds a valid right to work in the U.K.

Fixed Site Consent Additional Supporting Documents

- All trader supporting documents as detailed above
- A site map clearly identifying the proposed site position by marking the site boundary with a red line
- A photograph of the proposed site
- Permission from the landowner (private land only)

Roaming Consent Additional Supporting Documents

- All trader supporting documents as detailed above
- A route of proposed stops/locations

Mobile Multi Site Consent Additional Supporting Documents

- All trader supporting documents as detailed above
- A complete list of proposed site locations
- A site map of each location, clearly identifying the proposed site position by marking the site boundary with a red line
- A photograph of each of the proposed sites
- Permission from the landowner (private land only)

Temporary Event Consent Additional Supporting Documents

- A complete list of traders attending the event following the standard format published on the council website

- A site map clearly identifying the proposed site position by marking the site boundary with a red line.
- A photograph of the proposed site
- Permission from the landowner (private land only)
- FSA Food Hygiene Rating Score for food traders

Sites can remain with the same person for several years on successful renewal. In the event of the Consent being revoked, surrendered or if it lapses without being renewed, the Council will accept new applications for the vacant site. This might be at any time of the year.

Fees

Fees will be made on application, renewal, transfer, variation or to issue a replacement consent. The Council can recover the full costs associated with the consent scheme and fees are reviewed annually and published on the Council website.

In arriving at fees, the Council may charge a lesser amount for temporary event consent applications to promote and support such activities. Fees are broken down into 2 elements, an application fee, and a consent fee.

The level of fees applicable to the street trading function takes into account the administrative costs associated with the consideration of application, the issue and administration of the consent, and the costs associated with compliance checks carried out by the licensing authority to ensure that traders operate in accordance with the conditions of their consent.

No application will be deemed valid until payment of the appropriate fee. Where trading ceases during the term of the consent refunds will not be issued for any outstanding period of less than three months. Where a temporary event consent has been granted, no refund will be issued should a trader not attend the event, or the event is cancelled.

Equality and Diversity

The Council is committed to promoting equal opportunities, valuing diversity, and tackling social exclusion. The Council will aim to provide opportunities that meet the diverse needs of different people and groups of people by ensuring that services and employment opportunities are accessible to all. Everyone will be treated fairly and with respect. Diverse needs will be understood and valued. The Council will aim to eradicate all forms of discrimination. Policy guidance and application forms relating to consent street trading will be made available in

English which is the most common language of customers and stakeholders. On request the Council will signpost applicants to providers of guidance and information relating to translation services.

Consultation

Upon receiving a full application, all supporting documentation and the correct fee the Licensing Service will begin the consultation process with interested parties.

There are no statutory consultees on street trading applications however the police, highways authority, fire service and other responsible authorities will be consulted and a minimum of 14 day consultation period will be required. This consultation period may be extended if representations are received, or further information is required. Local Ward Councillors will also be notified of an application. Public notification will be achieved through the Council webpage.

Once the Council has accepted a valid application the applicant shall also put up a notice of the application at the proposed street trading location, advising the public how to comment on the application. (This requirement will not apply to roaming consents). Photographic evidence of the notice in place shall be submitted on request. The applicant shall remove the notice at the end of the consultation period. A draft copy of a notice is available on the website.

Applications for street trading consents are delegated to officers for determination in line with the Councils constitution. Officers will take all information into consideration including relevant representation made in writing to the Licensing Service.

A relevant objection is one made by a person, business or body that is likely to be directly affected by a successful application. The objection must not be vexatious or frivolous and should concern itself only with matters likely to be affected by a successful application. The applicant will be provided with a copy of any representation received including contact details, to promote mediation and the applicant will be given an opportunity to comment before a final decision is taken. Officers will determine whether an objection is relevant according to its merit and any benefit of doubt will be given to the objector.

Following the determination of an application, the Council will notify the applicant of the decision in writing. No street trading may take place until a consent has been issued. To trade without a consent is an offence.

If more than one application is received for any new or vacant site, applications will be considered in consultation with the Chair or Vice Chair of the Licensing Committee.

If the applicant has any relevant convictions, it is likely that the application will be considered in consultation with the Chair or Vice Chair of the Licensing Committee. All applications will be assessed against the Assessment Criteria.

Assessment Criteria

Each case will be dealt with on its own merits, failure to meet conditions which would be attached to a consent are grounds for refusal. In considering applications the following factors will also be considered:

- Suitability of the applicant
- Suitability of the location
- Appearance of the Unit or Vehicle
- Public Nuisance
- Public Safety
- Environmental Credentials

Suitability of the Applicant

All applicants and assistants (excluding temporary event consents) are required to submit a Basic Disclosure Certificate dated within six months at application and renewal of a consent. The purpose of considering an applicant's previous convictions is to enable the Council to assess whether:-

- an applicant for the grant or renewal of a street trading consent is a suitable person to hold, or to continue to hold, a street trading consent;
- a person who wishes to be registered as an assistant to a street trading consent holder, or to continue to be registered as an assistant to a street trading consent holder, is a suitable person to be registered as an assistant to a street trading consent holder

Each case will be decided on its own merits and follow policy guidance and in making its decision the Council will consider the following:-

- whether the conviction is relevant;
- the seriousness of the offence;
- the length of time since the offence occurred;
- whether there is a pattern of offending behaviour;
- whether that person's circumstances have changed since the offence occurred;

- the circumstances surrounding the offence and the explanation offered by that person;

Applicants and assistants should refer to Appendix 3 for details of the general approach that will be taken to certain categories of offences.

Suitability of Locations and Needs of the Area

Consent will not be given in any location which infringes parking or traffic requirements, causes obstruction of the highway, or presents a danger to other road users or pedestrians. Any street trading which negatively impacts public access by walking, cycling or public transport will generally be refused.

The Council would expect a minimum of (1.5m) of unobstructed highway/walkway on at least one side of the proposed trading unit/location without causing undue interference or inconvenience to persons using the street. Any proposal to use additional signage such as an A-board will need to be included with the application, as the location and size will need to be considered as part of the determination process.

The retail offer of each individual unit will be considered, the goods should complement and not conflict with the goods sold by other established business and traders within the location. The Council does however recognise that the surrounding retail offer is subject to change. The application shall clearly indicate the locations of other existing businesses and traders, trading in similar commodities in an 800m radius to those proposed location and deliver notices to similar traders and premises identified giving details of the application.

The applicant must also deliver notices to the nearest six premises (being residential, commercial, or otherwise) to the proposed site giving details of the application. Evidence of notices delivered to traders and premises should be produced on request. A draft notice can be found on the council website.

Where any proposed trading is within 50 metres of a school perimeter, the Council will seek the views of the school.

Appearance of the Unit or Vehicle

Full details of the unit or vehicle which the applicant intends to use must be supplied to the Council at the time of making the application, including 3 colour photographs. Arrangements maybe made for the Unit or Vehicle to be inspected by a duly authorised officer prior to the application being considered.

Trading units should not significantly detract from the visual appearance of a particular location and may even enhance the setting and be constructed in a suitable scale, style and using appropriate materials. The unit should also be designed to be accessible for all customers and advertising material must be limited e.g., the name of the unit, the type of product sold, and a simple price list suitably designed and printed.

The Council will generally not permit trading units where the unit fully, or substantially, blocks lines of sight to established traders in the location.

Public Nuisance

The street trading activity must not cause nuisance to the public, or properties in the location, from obstruction, misbehaviour, noise, refuse, vermin, fumes, and smells etc. Particular regard to this will be had in respect of consents in predominantly residential areas and due regard will be made to the character of the neighbourhood.

Applicants will need to demonstrate steps to be taken to reduce litter and waste in locations, throughout the day and at close of business.

Public Safety

The street trading activity must not present a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

Overcrowding of the site/area includes the capacity of the street trading area having regard to the potential maximum attendance on the site by the public, and the consequent risk of over congestion impacting adjacent roads to the site.

Applicants will need to demonstrate steps to be taken to reduce the risk to public order in respect of applicants wishing to trade at later hours should be included in an application. This should include management of potential flash points and dispersal of customers.

Environmental Credentials

Steps taken to promote environmental sustainability should be included in an application. The application shall outline the impact of the proposed operation on the local environment, including power supply, carbon footprint, supply chain, packaging, waste minimisation and recycling, waste disposal and waste created by customers. Noise and pollution levels caused by generator will also be a consideration as will the anticipated impact on wildlife or the public enjoyment of a particular setting (e.g. Lighting and noise may impact on wildlife and disturb the tranquillity of some green spaces).

The Council will encourage the use of sustainable products and will consider the trader's environmental credentials in respect of these when considering whether to approve applications.

Renewals

Renewal forms and fees are available on the Council website. Consents are issued for a set date or dates or for a period of up to one year. Consent holders should reapply for a consent if they wish to continue to trade at least one month before the expiry of their current Consent. As a matter of convenience, the Council will send renewal reminders to Consent holders via electronic contact details given at the time of application.

However, the Council is clear that it remains the consent holder's responsibility to ensure that their consent is renewed in time. If, without reasonable excuse, a renewal application is not made before the expiry of the current consent it will expire and the site will become available, and a new application must be submitted in accordance with the new application procedure.

At renewal, the Council may consult further to determine if the street trading is a cause for concern or has been the subject of complaints. Where a renewal application has been made and if:

- there have been no significant complaints, compliance, or enforcement issues;
- all fees have been paid on time; and
- there has been no significant change to the retail environment in the location of trading the consent will normally be renewed.

If the applicant has without reasonable excuse failed to use the consent to a reasonable extent a renewal application could be refused.

Transfers

The sub-letting of a consent to another party is not permitted. Consents can be transferred from one holder to another, if the holder of the consent is the only change being made. Forms and fees are available on the Council website.

Variations

A request to vary the location of the consent will be treated as a new application for the new location. Holders of a consent may apply to vary it, for example by requesting a change of trading hours or goods. Forms and fees are available on the Council website.

Decision to Refuse or Revoke a Consent

The power to grant a street trading consent is discretionary; and the Council may refuse to grant a street trading consent if they deem it appropriate to do so. Such decisions will be made in accordance with the Council's scheme of delegation.

If an application is refused the applicant will be informed of the reason for the refusal within 21 days of the decision being made.

Failure to comply with the conditions of the consent may result in the revocation or refusal to renew, a consent. In certain circumstances, formal action such as prosecution may be the most appropriate course of action. If a consent is revoked the holder will be informed of the reason for the revocation within 21 days of the decision being made.

Appeals

There is no statutory right of appeal in respect of refusal or revocation of street trading consent. A person aggrieved by a decision of the Council may make an application to the High Court for the judicial review of the decision. For further information on potential grounds for judicial review, applicants should seek independent legal advice.

If more than one application is received for any new or vacant site, or a high number of objections against an application are received, these applications will be considered in consultation with the Chair or Vice Chair of the General Licensing Committee. All applications will be assessed against the assessment criteria and to ensure the process is open, fair and transparent, if an application is refused full and clear written reasons will be given.

Applicants also have recourse to the Council's complaints procedure if the applicant considers that a Council service has not been properly delivered.

Compliance and Enforcement

The Council has a responsibility to regulate street trading in the borough and is therefore committed to enforcing the provisions contained within the relevant legislation and this policy and to work in partnership with all enforcement agencies. Where street trading activities are conducted without appropriate consents the Council will look to gather evidence and take appropriate enforcement decisions in accordance with the Councils adopted enforcement policy.

Obtaining a consent does not confer the holder immunity regarding other legislation that may apply, e.g., Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Planning Controls, and consent holders should ensure all such permissions are in place.

In undertaking compliance and enforcement action the Council may call for assistance from Cleveland Police and will make use of CCTV recordings as evidence.

Conditions Attached to Street Trading Consents

Consents will carry standard conditions in all cases in addition the Council can impose additional conditions including operating hours and goods offered, where it is deemed appropriate and will be relevant to the category of consent issued and the nature of the local environment.

Failure on the part of the consent holder (or any other person employed to assist in trading) to comply with any of the conditions imposed may lead to the revocation of the consent or to the Council refusing to renew the consent.

APPENDIX 1

STANDARD CONDITIONS (TO BE USED ON ALL CONSENTS ISSUED)

The Site

CSTS1	The Site cannot be used for any purpose other than the operation of the Unit as described and agreed within the consent and plan attached to the consent.
CSTS2	Only Trading in accordance with the times and days stated on consent is permitted.
CSTS3	Facilities for the collection of all waste, refuse or litter arising due to the activity must be provided. The refuse storage must be of a substantial construction, suitable covered containers. All must be removed from the site at the end of each day of trading and properly disposed of, or if the amount of waste and refuse warrants it, when the container is full – whichever is the sooner.
CSTS4	Clear routes of access to the site will be maintained, taking into account the needs of disabled people and the recommended 1.5m minimum footway widths and distances required for access by mobility impaired and visually impaired people. Trading cannot operate in such a way as to cause danger or annoyance to persons using the street.
CSTS5	<p>Activities will not:</p> <ul style="list-style-type: none"> a. prevents traffic, other than vehicular traffic, from— <ul style="list-style-type: none"> i. entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway), ii. passing along the relevant highway, or iii. having normal access to premises adjoining the relevant highway b. prevents any use of vehicles which is permitted by a pedestrian planning order, or which is not prohibited by a traffic order, c. prevents statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or d. prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
CSTS6	Statutory and Emergency services will be permitted 24hr emergency access – without notice. The Council may temporarily revoke the consent where an alternative use for the highway is required for example emergency highway maintenance, emergency scaffold access or use of the highway during events that are supported by the local authority. The local authority will not be liable for any loss of earnings arising from the suspension of the consent.

The Unit

CSTU1	The dimensions and appearance of the Unit shall at all times follow the details described and agreed within the consent and plan attached to the consent.
CSTU2	At all times while trading the consent issued by the Council must be displayed in a conspicuous position on the Unit. For temporary event consents the consent will be displayed in at least two conspicuous places – typically these shall be attached to the first and last units.
CSTU3	The Unit shall be clean and tidy and securely erected. The Unit is of such material and design, and so constructed and maintained that it is not liable to cause injury to any person present on the site or otherwise.
CSTU4	Liquefied petroleum gas is not used without the express permission of the Council and any equipment using this gas shall have only flexible and approved armoured hoses complying with the relevant British Standard Specification or equivalent.
CSTU5	The use and storage of liquefied petroleum gas complies with any relevant codes of practice.
CSTU6	Goods will not be inflammable, corrosive or otherwise dangerous nature.
CSTU7	No mobile generators are used without the express permission of the Council. Where permission is granted, generators shall be so positioned that they do not present a danger to the public, do not present a fire or similar hazard to the unit, goods displayed thereon, or adjoining premises and do not cause any contamination, noise, or fume nuisance.
CSTU8	Documentation must be provided to show that the generators have been maintained in accordance with the manufacturer’s instructions.
CSTU9	No combustible materials are to be stored in the vicinity of a generator and suitable first aid, firefighting appliance(s) must be immediately available.
CSTU10	All equipment is in a safe working condition and suitably cordoned off to ensure that the general public do not have access to the equipment.
CSTU11	All electric power supplied must be protected by residual current devices. Any appliance is to be separated from the supply outlet by a fuse of suitable rating.
CSTU12	All electrical cables or flexes, which are suspended over the public footway or carriageway shall be adequately supported. All electrical cables or flexes, which run along the ground and are in a position where the public could come into contact with them must be fitted with rubber cable protecting mats/covers, have demarcation or warning signage to make them easily visible to the public and not pose a tripping hazard.

CSTU13	Authorised vehicles must be roadworthy and valid Road Tax, MOT and vehicle insurance which includes cover for the purpose of street trading.
CSTU14	No unit or vehicle shall remain situated in the location for longer than one hour after the authorised trading time(s).
CSTU15	The holder of the consent shall take adequate precautions to prevent the risk of fire at the stall / vehicle / unit. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
CSTU16	The holder of the consent shall ensure that where the stall / vehicle / unit has a 240 volt electrical system that an up to date annual electrical safety certificate is in force.
CSTU17	The holder of the consent shall ensure that where gas cylinders are used that an up to date annual gas safety certificate is in force.
CSTU18	The holder of the consent shall ensure that a first aid kit is maintained on the stall / vehicle / unit and made available to any customers injured by the activities of the business operation.

The Consent Holder

CSTH1	Public Liability insurance cover for the unit and site shall be maintained and shall indemnify the local authority against all claims in respect of injury, damage or loss arising out of the granting of permission, (e.g., damage to the highway or highway furniture) to a minimum value of £5,000,000 unless such claims arise out of the local authorities' own negligence. Insurance applies to individual applicants and event organisers.
CSTH2	The consent holder must adequately manage the street trading activity so as not to cause a statutory or public nuisance e.g., from noise, fumes, and odour to any other person, whether that person is using the street or otherwise, or to the occupier of any building in proximity to the consent site.
CSTH3	The consent holder must pay the Council the cost of carrying out any works, including cleansing of the highway or making good any damage, that is required due to the consent holders use of the Unit and Site. The permanent surface reinstatement shall be carried out to the satisfaction of the local authority.
CSTH4	The consent holder will observe all statutory and other provisions and regulations for the time being in force which relate to the consent holders use of the site.
CSTH5	The consent holder will be required to take responsibility for and supervise their licensed areas and so far, as is reasonable to ensure that patrons or customers of the site conduct themselves in an orderly manner.

CSTH6	Where authorised by a consent issued under the Licensing Act 2003, alcohol must only be served in polycarbonate or plastic containers.
CSTH7	The consent holder will inform the Council in writing of the details of any change in the operation or staffing of the Unit (including changes in details of named assistants) or the sale or transfer of the business to another party.
CSTH8	The consent holder shall notify the Council in writing within 72 hours if they or an assistant is under investigation for or convicted of any offences, including formal cautions and fixed penalty notices.
CSTH9	The Council may at any time vary the conditions of a street trading consent or revoke / suspend this consent in the event of: <ul style="list-style-type: none"> • The breach by the consent holder or named assistants of any of the conditions attached to the consent; • Work being carried out in, under or over the highway on which the Unit is located; • Change in Council Policy which necessitates termination of this consent; • Circumstances outside the Councils control which necessitate termination of this consent.
CSTH10	No furniture or equipment other than as permitted by the consent can be used. If furniture or equipment have been approved, they remain in a clean and tidy condition and not obstruct the entrance or exit from any premises.
CSTH11	No consent holder shall trade at the authorised location on dates when road closure directives are in place for special events otherwise than with the permission of the organisation applying for same.
CSTH12	The consent holder is encouraged to use sustainable packaging and adopt an environmentally friendly approach throughout the operation of the business to minimise the impact on the environment

ADDITIONAL CONDITIONS FOR ROAMING CONSENT TRADERS

CSTR1	Any proposed trading within 50 metres of a school perimeter, is not permitted without prior agreement. The Council will seek the views of the schools in these cases.
CSTR2	Trading is limited in any one location for 20 minutes at any one time and the trader shall not return to that particular location within 4 hours of leaving it.
CSTR3	The consent holder shall comply with all traffic regulations, rules, orders, and directions which apply to the public highways on which the holder trades.

	<p>The consent holder is required to comply with the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013 or any modification or re-enactment thereof.</p> <p>www.gov.uk/government/publications/code-of-practice-on-noise-from-ice-cream-van-chimes</p>
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EXAMPLE ADDITIONAL CONDITIONS (THIS LIST IS NOT EXHAUSTIVE)

	<p>The consent holder must not permit the sale of offensive weapons including imitation firearms, firearms, airguns, swords, and crossbows.</p>
	<p>The Consent holder must not sell a knife to anyone under 18.</p>
	<p>The trader shall not exhibit on the site any advertising signs, stands, posters or such except as may be approved by the Council.</p>
	<p>No animal shall be present on any unit or vehicle save assistance dogs in accordance with the Equality Act 2010.</p>
	<p>The trader is not permitted to hold any auction or like sale.</p>
	<p>There shall be no discharge of wastewater or other liquid waste onto the Consent site or surrounding areas.</p>
	<p>No form of amplified music shall be permitted.</p>

APPENDIX 2

CONVICTIONS POLICY – SPECIFIC OFFENCES

The following details the Council's general approach when dealing with to certain categories of offences for street trading purposes.

Dishonesty

The holders of a street trading consent and their assistants have to be persons who can be trusted. It is easy for a dishonest trader or assistant to take advantage of the public. Members of the public using a street trading outlet expect the holder and assistant to be honest and trustworthy.

For these reasons, a serious view will be taken of any conviction involving dishonesty. In general, an applicant for the grant or renewal of a street trading consent is unlikely be granted a street trading consent where the application is made within 3 to 5 years of a conviction or the date of release from a custodial sentence

Similarly, a person wishing to be registered as an assistant to a street trading consent holder is unlikely be to be registered where registration is sought within 3 to 5 years from the date of conviction or the date of release from a custodial sentence.

Violence

As street traders and their assistants have close contact with the public, a firm line will be taken with applicants who have convictions for violence. In cases where the commission of an offence involves loss of life, an applicant or assistant of a street trading consent will normally be refused. In other cases, a period of 3 to 10 years free of conviction from the date of conviction or the date of release where a custodial sentence has been imposed, depending upon the nature and seriousness of the offence(s), will generally be required before an application is likely to be considered favourably.

Drugs

Where an applicant has a conviction for an offence that relates to the supply or importation of drugs and the date of the conviction or the release from a custodial sentence has been imposed, is less than 5 to 10 years before the date of the application, an application will normally be refused. After 5 years from a conviction or the date of release from jail, where a custodial sentence has been imposed, the circumstances of the offence and any evidence which shows that a person is now a fit and proper person to hold a street trading consent or to be maned as an assistant will be taken into consideration.

An application will normally be refused where the applicant has a conviction for an offence relating to the possession of drugs and the date of the conviction or the release from a custodial sentence for such an offence has been imposed, is within 3 to 5 years of the date of the application. After a period of three years from conviction or the date of release from a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant or named assistant is a suitable person to hold a street trading consent.

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than 5 years before the date of the application.

Sexual and Indecency Offences

As the holders of street trading consents and their assistants, and in particular those who sell ice cream, have access to children, applicants who have convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003 will normally be refused a street trading consent or registration as an assistant to the holder of a street trading consent.

Where an applicant has a conviction for a sexual offence, they will normally be refused a street trading consent or registration as an assistant to the holder of a street trading consent until they can show a substantial period usually between 5 and 10 years free of any such convictions from the date of conviction or the date of release from a custodial sentence.

After a period of 5 years from conviction or the date of release from a custodial sentence consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a suitable person to hold a street trading consent or to be named as an assistant of a street trading consent.

When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a suitable person to hold a street trading consent or to be named as an assistant of a street trading consent. In cases where the Council considers that information shows an applicant is not a suitable person, it will normally require a

period of not less than 5 years free of such incidents from the date on which the incident occurred or, if more than one from the date of the last incident.

Motoring Convictions

In most cases, motoring offences are unlikely to be relevant when deciding if an applicant or assistant of a street trading consent is a suitable person. However, there may be instances where the offences are of a very serious nature. In those cases, an applicant for a street trading consent or to be named as an assistant would be expected to show a period usually between 3 and 5 years free of any such convictions from the date of conviction or the date of release from a custodial sentence.

Other Convictions

Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 - The Council takes a serious view on applicants who have been convicted of offences under the 1982 Act. An applicant will normally be refused a licence if they have been convicted of an offence under the 1982 Act at any time during the 2 years preceding the application or have more than one conviction within the last 5 years preceding the date of the application.

Formal Cautions and Fixed Penalty Notices

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

APPENDIX 3**GLOSSARY**

The Act	Schedule 4: Local Government (Miscellaneous Provisions) Act 1982
The Council	Stockton-on-Tees Borough Council
Applicant	The individual who has submitted an application for a Street Trading Consent.
Consent Holder	An individual who holds a street trading consent and responsible for meeting the conditions attached to a consent.
Assistant	An individual named on the consent as assisting the consent holder in trading and meeting the conditions attached to the consent.
A Street	Local Government (Miscellaneous Provisions) Act 1982 Paragraph .1(1), Schedule 3 includes: any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980
A Street Trading Consent	Permission given by the Council to trade subject to conditions and payment of a fee.
Site	Area identified in the Consent.
Unit	Unit described in the Consent.
A Roundsman	An individual who visits a "round" of customers and delivers the pre-orders of those customers, i.e., a milkman. Trading from an ice-cream van or mobile food van is not classed as a roundsman.
A Pedlar	A Pedlar must hold a valid Pedlar's Certificate issued by a Chief Constable of Police. Keep moving, stopping only to service customers at their request. Move from place to place, and not circulate within the same area. Carry all goods for sale and not set up a "stall".
News Vendor	The only articles sold or exposed or offered for sale are newspapers or periodicals; and they are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not:- exceed 1m in length or width or 2m in height; occupy a ground area exceeding 0.25 sq./m; stand on the carriageway of a street.
Mobile Trader	A Mobile Trader is one that visits more than one location within the Borough and: Continually moves from location to location.

	<p>Does not wait in one location for more than 20 minutes.</p> <p>Moves at least 50 metres from the last trading location.</p> <p>Does not return to the same trading location within 4 hours.</p>
Licensing Officer	<p>An Authorised Officer employed by the Council and authorised by the Council to act in pursuance of the provisions of the Local Government (Miscellaneous Provisions) Act 1982 (the legislation regulating Street Trading).</p>

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Appendix 3

Friday 27/10/23 12:22

Hi Leanne

I think the exception for non profit charities and community groups is very welcomed. On the basis they are exempt this also takes away the issue with volunteers helping needing the DBS checks. It would be good in the policy to list CIC alongside charities as this is a recognised way of being a not for profit.

With this policy change and a change to our market ownership essentially to formalise as a community group we could continue Norton Green Market without incurring the charges.

Thanks so much for taking on board the VCSE sector and I welcome the policy changes and hope cabinet agree.

Thanks

Helen

Friday 27/10/23 15:30

Leanne

Thank you v. much for this & for taking on board our concerns about the voluntary sector. Your amendments seem to cover my concerns about church grounds, PTA fairs in school grounds etc. I'm consulting my fellow Members & Clerk of my par. council about the effect of our annual village fair on Egglecliffe Village Green.

John

From: Leanne Maloney-Kelly <Leanne.Maloney-Kelly@stockton.gov.uk>

Sent: Friday, October 27, 2023 10:43 AM

To: Licensing Admin (ES) <Licensing@stockton.gov.uk>

Subject: SBC Consent Street Trading Policy Review

Hello,

Thank you for responding to the recent consultation on Consent Street Trading, and for providing your contact details, to receive updates on the progress of the policy. Responses to the consultation have been considered and changes made to the draft policy, the most significant changes are around:

Pg3. Activities are exempted from street trading control by this policy and include:

- **Trading by a registered charity or recognised association or other non-profit making organisation**
- **Non-profit / fundraising trading taking place within a church or educational grounds e.g., church fates, school festivals and PTA events**

Pg 8 and Pg 19 DBS requirements and a convictions policy to explain the reasoning around DBS check

Fees are still to be determined, the draft policy is going before the general licensing committee in November, Cabinet in December and Council in January.

The statutory consultation has closed, but I would welcome any additional comments on the updated draft document, including any comments if you did not agree with the proposal, but the changes to policy now mean your concerns have been addressed and if you now support the proposal

I would be grateful for any comments by 3 November 2023

Regards

Leanne Maloney-Kelly

REPORT TO COUNCIL

24 JANUARY 2024

REPORT OF CORPORATE MANAGEMENT TEAM

APPOINTMENTS/AMENDMENTS TO COMMITTEES AND PANEL FOR 2023/27

SUMMARY

This report reviews the allocation of seats to political groups as prescribed by the Local Government (Committees and Political Groups) Regulations 1990.

RECOMMENDATION

Council is asked to:

- (1) Approve the changes to Committee appointments set out in Appendix A (Table 1);
- (2) Receive any further nominations in respect of outstanding vacancies and determine appointments to the Committees set out in Appendix A (Tables 2 and 3); and
- (3) Receive any further nominations in respect of outstanding vacancies and determine the appointments to outside bodies set out in Appendix B .

DETAIL

1. The Council is required to appoint to Committees, Panels etc, in accordance with the Constitution and statutory political balance requirements. The Conservative Group have indicated that they wish to take up all seats available to their Group based on the overall allocation of the total seats available. A recalculation has been made and the wishes of political groups have been sought and are set out in **Appendix A**.
2. In addition, **Appendix B** highlights vacancies to Outside Bodies to be filled by the Council.

LEGAL IMPLICATIONS

Seats must be allocated to political groups as prescribed by the Local Government (Committees and Political Groups) Regulations 1990.

CONSULTATION INCLUDING WARD/COUNCILLORS

Consultation has taken place with political group leaders.

Jonathan Nertney
Head of Democratic Services
jonathan.nertney@stockton.gov.uk
Tel number 01642 526312

Background Papers	None
Education Related Item	No
Ward(s) and Ward Councillors	All
Property Implications	None

Appointments to Committee and Panels – January 2024

Table 1

Committee	Remove	Add
Executive Scrutiny Committee	-	Cllr Shakeel Hussain
Adult Social Care and Health Select Committee	Cllr Paul Weston	Cllr Stefan Barnes
Place Select Committee	Cllr Michelle Bendelow	Cllr Kevin Faulks
Planning Committee	Cllr Stefan Barnes	Cllr Shakeel Hussain
Health and Wellbeing Board	Cllr Kevin Faulks	Cllr Marcus Vickers
Standards Panel	Cllr Kevin Faulks	Cllr Tony Riordan
Employee Appeals Panel	Cllr Kevin Faulks	Cllr Tony Riordan
Home Safety Association	-	Cllr John Gardner
Member Advisory Panel	Cllr Kevin Faulks	Cllr Shakeel Hussain
Commemoration Working Group	Cllr Sylvia Walmsley	Cllr Lynn Hall

Table 2

Committee	Remove	Nominations Received
Audit and Governance Committee	Cllr Ross Patterson As TIA are relinquishing their seat, this creates ONE vacancy	Cllr Ross Patterson
Corporate Parenting Board	Cllr Mick Moore As IBIS are relinquishing their seat, this creates ONE vacancy	Cllr Mick Moore
Schools Workforce Joint Consultative	Cllr Elsi Hampton As IBIS are relinquishing their seat, this creates ONE vacancy	Cllr Elsi Hampton

Table 3

Committee	Remove	Nominations Received
Children and Young People Select Committee	Cllr Paul Rowling As IBIS are relinquishing their seat, this creates ONE vacancy	Cllr Lynn Hall Cllr Paul Rowling
Crime and Disorder Select Committee	Cllr Barbara Inman As IBIS are relinquishing their seat, this creates ONE vacancy	Cllr Barbara Inman Cllr Sally Ann Watson
People Select Committee	Cllr Michelle Bendelow As IBIS are relinquishing their seat, this creates ONE vacancy	Cllr Michelle Bendelow Cllr Sufi Mubeen

Outside Bodies –Outstanding Vacancies

Body	Vacancy	Nominations Received
Hartlepool Power Station Community Liaison Committee	2 Vacancies	Cllr Paul Rowling
Standing Advisory Council of Religious Education	1 Vacancy	
Teesside and District Society for the Blind	1 Vacancy	Cllr Shakeel Hussain
NEREO*	1 Vacancy	
Body	Remove	Add
Ropner Trust	Cllr Jim Taylor	Cllr Lynn Hall

*Please note that under NEREO's rules of organisation:

An employee of:

(I) an Organisation represented on the Trade Unions' Side of the Joint Council

Or

(II) a local or joint authority or admitted body and whose conditions of employment are within scope of the Joint Council shall not be appointed as an Employers' representative (or substitute representative) on the Organisation.

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MEMBER QUESTIONS

QUESTION
<p>Member Question submitted by Cllr Ted Strike for response by the Leader of the Council:-</p> <p>"At the November meeting I submitted a motion and a question which were both rejected after the deadline.</p> <p>My motion was submitted on the Friday morning and I received an email saying it had been rejected on the Monday.</p> <p>My question was submitted on the Wednesday and rejected the Wednesday after the deadline a full week later.</p> <p>During the many emails exchanged it became apparent that all questions and motions are not read until the day after the deadline, meaning any alterations to the questions or motions cannot be made if the Proper Officer finds them unacceptable.</p> <p>I believe this is unacceptable and this practice should be changed, even if this means bringing forward the deadline to midnight on the Thursday.</p> <p>Can this be put in place as the current practice leads to questions and motions being rejected without any opportunity to amend them?</p> <p>I understand that another councillor also had a question refused."</p>

QUESTION

Member Question submitted by Cllr Ted Strike for response by the Leader of the Council:-

"In view of the current financial situation what are the council's plans, in particular the already agreed borrowings of approximately £140m which as yet have not been drawn down?"

QUESTION

Member Question submitted by Cllr Lynn Hall for response by the Cabinet Member for Health, Leisure and Culture:-

"A robust Winter Plan is essential to benefit and safeguard our residents.
Does the leader consider this year's plan executed to date was prepared in a timely way; facilitated members involvement and the dissemination of new information and initiatives were effectively shared?"

QUESTION

Member Question submitted by Cllr Tony Riordan for response by the Leader of the Council:-

"Can the Leader please inform me how many Corporate Credit Cards, and Procurement Cards, are available to officers and staff on Stockton Borough Council, what is the maximum authorised spending limit on these cards, and can he offer the taxpayers of Stockton Borough reassurance that strong governance is in place to monitor and review the use of these cards.?"

QUESTION

Member Question submitted by Cllr Ted Strike for response by the Cabinet Member for Regeneration & Housing:-

"Residents of new houses on The Rings are now having to pay an annual fee to a management company.

The management company for Permission on the Rings is Gateway.

Since being elected on the new North Ward I have received a large number of complaints, these include the poor service from Gateway, late payment fees if the maintenance fee is not paid on time, but the main complaint is that when they received their bill almost 90% of the bill is down to "Admin expenses ".

After 3 years residents can elect their own directors, but must employ a management company.

I believe that SBC could provide this service a lot cheaper than residents are paying now.

I do not believe this would cost council tax payers a penny and SBC could make a profit whilst reducing the price these residents are currently paying.

Would SBC look into the possibility of providing this service. There are of course numerous new build estates across the Borough in the same situation. This is not a problem unique to Ingleby Barwick?"

QUESTION

Member Question submitted by Cllr Niall Innes for response by the Leader of the Council:-

"Can the Leader of the Council inform me what the internal process the council uses to price repair/maintenance/project work?"

QUESTION

Member Question submitted by Cllr Stefan Houghton for response by the Cabinet Member for Regeneration & Housing:-

"In addition to the successful Stockton South Levelling Up bid, finance was obtained by re-purposing section 106 funds to improve the popular play area at Preston Park. These improvements have been delayed, most recently by the larger capital programme.

As the years have passed since these funds were obtained to improve the play area, I would welcome an update for my benefit and all members whose residents will eventually have the opportunity to enjoy this completed project?"

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