

## **CRIME AND DISORDER SELECT COMMITTEE**

A meeting of Crime and Disorder Select Committee was held on Thursday 21 December 2023.

**Present:** Cllr Pauline Beall (Chair), Cllr John Coulson, Cllr Richard Eglington, Cllr Jason French, Cllr Elsi Hampton(sub for Cllr Alan Watson) , Cllr Shakeel Hussain, Cllr Barbara Inman, Cllr Eileen Johnson (Sub for Cllr Paul Rowling) and Cllr Sylvia Walmsley.

**Officers:** Marc Stephenson (A,H&W), Simon Grundy, Ant Phillips, Chris Renahan (R&IG), Stephen Bowerbank, Neil Mitchell (CS,E&C) and Gary Woods (CS).

**Also in attendance:**

**Apologies:** Cllr Paul Rowling (Vice-Chair) and Cllr Alan Watson.

### **CD/23/23 Evacuation Procedure**

The evacuation procedure was noted.

### **CD/24/23 Declarations of Interest**

There were no interests declared.

### **CD/25/23 Minutes**

Consideration was given to the minutes of the Crime and Disorder Select Committee meeting which was held on 9 November 2023 for approval and signature.

AGREED that the minutes of the Committee meeting held on 9 November 2023 be approved as a correct record and signed by the Chair.

### **CD/26/23 Monitoring the Impact of Previously Agreed Recommendations - Bonfires on Public Land**

Consideration was given to the assessments of progress on the implementation of the recommendations from the Committee's previously completed review of Bonfires on Public Land. This was the third progress update following the Committee's agreement of the Action Plan in November 2022, with developments in relation to the outstanding agreed action noted as follows:

- Recommendation 5 (To further deter the construction and lighting of unauthorised bonfires, SBC identifies any alternative sites within the Borough where official bonfires may be able to be facilitated in the future): Reflecting on the recently concluded bonfire season, achievements were highlighted in relation to the continuation of well-established partnership-working, engagement with identified hot-spot areas, and general communications via social media. The innovative use of Stockton-on-Tees Borough Council (SBC) drones to detect waste accumulation was noted, as was the traditional gathering in Hardwick which was substantially smaller and less impactive

than the previous year. In terms of this Committee recommendation, it was confirmed that no alternative sites within the Borough for future official bonfires were obvious – this was something which the Council was reluctant to promote anyway as it was contradictory to the general messaging around the dangers of bonfires (whether official or unofficial) and any SBC event would mean the Council would be liable for any chosen site.

Reiterating that this recommendation was now considered ‘fully achieved’, the SBC Assistant Director – Community Safety and Regulated Services emphasised the progress made around bonfire-related issues, with a clear reduction in reported incidents compared to 2022 (17% decrease in deliberated primary fires (on top of a 30% reduction in 2022 compared to 2021), 10% decrease in deliberate F3s, and no reported occurrences of violence to staff). Whilst some bonfires were still evident during the recent ‘season’, there appeared to have been a significant push-back from the community towards the organisers of unofficial bonfire sites. The Council would continue to work alongside its partners with regards private organisers and diversionary alternatives.

Referencing the related issue of fireworks, the Committee noted some recent social media posts which had indicated that a site in Hardwick would become the Borough’s main display in the absence of a Council-organised event. In response, Members were informed about the significant number of Trading Standards prosecutions involving an estate within that Ward, as well as the more positive conversations with that particular community who did not want to be affected by bonfires and the associated problems these created.

Members spoke of their own awareness of a reduction in bonfire-related incidents within their Wards, though did observe that the traditional ‘season’ seemed to go on for longer than usual (possibly due to the mixed weather).

AGREED that the Bonfires on Public Land progress update be noted, the assessment for progress be confirmed, and the overarching Action Plan approved by the Committee following the original review be signed-off as complete (no further updates required).

## **CD/27/23 Scrutiny Review of Outdoor Play Provision: Quality and Distribution, Maintenance, and Physical Accessibility**

The second evidence-gathering session for the Committee’s ongoing Scrutiny Review of Outdoor Play Provision: Quality and Distribution, Maintenance, and Physical Accessibility focused on a contribution from the Stockton-on-Tees Borough Council (SBC) Regeneration and Inclusive Growth directorate.

Prior to the directorate’s input on this scrutiny topic, the Committee considered a number of updated maps and lists in relation to both informal sport facilities and play areas across the Borough which included planned sites as well as those already under development (though not those where only initial discussions had taken place / were ongoing). Of note:

- Informal Sport Facilities: The site at Stillington had now been completed and was only awaiting lighting (it was, however, very muddy at present so opening may be delayed), and the planned site at Kirklevington was a new additional multi-use games

area (MUGA). Despite having a lot of play area provision, Ingleby Barwick only had Romano Park as an informal sport facility.

- Play Areas: In addition to the planned Stockton waterfront developments (which included play provision), several 'doorstep' sites were intended across the Borough – these involved SBC plans for Hardwick Community Park and the Elmwood Centre, and third-party facilities at Yarm Back Lane (x2), Allens West, and Kirklevington.

Maps showing catchment zones for all existing / intended provision were also presented, though it was noted that these were only crude indicators as users can travel from outside these areas, particularly for the larger 'destination' sites like Preston Park. The Committee was also reminded that the maps did not indicate 'play value' which, as had been previously seen, varied from site-to-site across the Borough, something which may be a factor in how far young people and / or families were prepared to travel to use specific facilities. These graphics did, however, allow SBC to identify gaps in provision which may then feed into section 106 (s106) considerations.

Attention turned to the main contributors to this session, the SBC Planning Team and SBC Place Development Team, who had previously been identified as part of the scoping process for this review. Introduced by the SBC Assistant Director – Inclusive Growth and Development, and supported by the SBC Place Development Manager, the SBC Planning Services Manager proceeded to give an overview of a report which responded to several key questions directed towards these Council departments, including:

- Local plan policies and how this influences new play / informal sport facility development.
- Applications approving play / informal sport facilities as part of new housing developments over the past two years.
- Rationale behind developers building new rather than improving existing assets.
- The rights of the general public on the use of play facilities managed and funded by individual housing developments or residents under a service charge.
- How s106 works and the requirements around this for play provision to new developments.
- Potential for a revenue element within a s106 to enable maintenance or sinking funds.

Policy SD5 of the existing SBC Local Plan (adopted 30 January 2019) sought to ensure the conservation and enhancement of the natural, built and historic environment (which included green infrastructure networks and assets), whilst policy ENV6 requires that green infrastructure should be integrated, where practicable, into new developments, but also allows for 'appropriate contributions' towards green infrastructure. In addition, the Council had two Supplementary Planning Documents (SPDs) which provided further guidance on the provision ('Planning Obligations SPD') and quantity / quality / proximity ('Open Space, Recreation and Landscaping SPD') of open space.

Whilst the ultimate aim was to improve the provision of open space and recreation facilities in the Borough, developer decisions on building new rather than improving existing assets were effectively about the scale of a proposed development and the level of impact (population growth) this would have. Larger scale developments were likely to justify a need for on-site provision due to the level of population increase

across the site (indeed, policy direction indicates a preference for on-site provision) – for smaller developments, however, there may be no requirement for open space to be provided and it may be more appropriate for an off-site contribution (where necessary and justified). Where sites were situated on the periphery of settlements, existing open space and play areas may not be nearby or readily accessible.

In terms of facilities managed and funded by individual housing developments or residents under a service charge, the planning system did not seek to restrict or prevent the use of the facility for any resident. Privately maintained areas of public open space were not intended to be for the exclusive use for residents of an estate.

Planning obligations (also known as s106 agreements) must meet the tests set out under the Community Infrastructure Levy (CIL) regulation (122) which are: necessary to make the development acceptable in planning terms; directly related to the development; fairly and reasonably related in scale and kind to the development (the Open Space, Recreation and Landscaping SPD sets local standards for quantity, quality and proximity). Contributions towards off-site provision must be identified and must also be fully costed schemes to be compliant with the tests set out in the CIL (note: the Council was not able to ask for a generic figure derived from the calculator as a contribution and instead must highlight a particular scheme and the associated costs of the delivery of that scheme).

Funding via s106 was generally only for capital projects, and revenue funding towards ongoing running costs was unlikely to be available. Where SBC were to assume responsibility for the maintenance of either on-site or off-site open space, the Council required a commuted revenue lump-sum for the equivalent of 25 years maintenance. All calculations were based on the approved landscaping scheme, and this sum was placed in an interest-bearing account, with the interest used solely for grounds maintenance.

Maintenance costs were generally only acceptable where it related to the maintenance of open space provision being secured. However, there was no legal requirement for a developer to ask the Council to adopt or maintain the open space and they could instead choose to maintain it themselves – this was often funded through an additional service charge to a management company from the occupants of a development. Where long-term maintenance may be delivered by a management company, a management plan was provided and agreed to ensure the open space was suitably maintained in perpetuity.

As per the Levelling Up and Regeneration Act (LURA), there would be forthcoming changes to planning obligations as the Infrastructure Levy (IL) was due to be introduced (this was mandatory, pre-set and non-negotiable). The IL will largely replace planning obligation except for 'large and complex sites', with the Council potentially losing its ability to use s106 funding as it currently did. A response to the technical guidance was still awaited by SBC, as was the associated secondary legislation.

In conclusion, officers added that the Council's aim was for sustainable places within the Borough which contributed to the Public Health (health and wellbeing) agenda. It was also noted that there can be a significant time lag between the agreement and subsequent implementation of a developer's plan, and that views on the appropriateness of provision can be subjective as some prefer open spaces, some play areas, and others landscaped sites.

The Committee asked for clarity around the identification of responsibility for inspecting / maintaining new play area sites and was informed that arrangements were usually set out within a planning application. Planning conditions involving the maintenance of open space were usually included as part of any agreed development, with the failure to comply subject to enforcement measures. As part of the application process, developers were now asked for 'phasing plans' to demonstrate key timelines for implementation – however, the Council was reliant on the public to report any breaches of an agreed development in order to initiate potential enforcement action.

Members questioned the ramifications of developers going bust. Officers stated that this was a rare occurrence – however, should this happen, management companies were in place, with service charges paid by residents of a development then covering the ongoing maintenance of a site.

Regarding the decision to use a management company for maintenance of outdoor play provision, the Committee queried if there was any requirement for a developer to inform residents of such an arrangement. Officers noted that this was usually identified as part of conveyancing and that residents had the option for a vote if they were concerned about the upkeep of a play site within their estate (this was not something which involved SBC).

Referencing the 25-year lump-sum payment to the Council for transfer of maintenance responsibilities of a designated site, the Committee asked what elements these payments were expected to cover – grounds maintenance, cleansing, and maintenance of the equipment in the play area was subsequently listed, though it was noted that the lump-sum did not tend to cover the future renewal of the play area.

Pointing to an apparent absence of understanding of the revenue costs associated with new outdoor play provision, Members asked if the Council had to go along with a developer's proposals or whether there was any scope to ask it to invest in one of the Borough's larger 'destination' sites (as opposed to installing yet another facility which may be of lesser play value and would add to ongoing maintenance requirements). Officers responded by reaffirming earlier advice – that much depends on the scale of a development and associated impacts, with there needing to be a clear link between a development site and a 'destination' play / open space site.

The Committee drew attention to the planned new play area in Kirklevington which was near an existing site – this appeared contradictory to the requirements of the Open Space, Recreation and Landscaping SPD in terms of proximity considerations. As had been observed during previous Committee reviews, the need for timely dialogue between Council services over issues which involved multiple SBC directorates / departments was again evident, and it was also suggested that the final report of this particular review should be shared with the SBC Planning Committee.

Thanking officers from the SBC Regeneration and Inclusive Growth directorate for their contribution, the Committee then briefly reflected on last week's (14 December 2023) visits to various outdoor play sites across the Borough. Members raised the issue of residents not knowing who to complain to about concerns around a third-party-owned play site – it was suggested that the respective local MP be approached should the management company not adequately address any identified problems in the first instance.

AGREED that the information be noted.

**CD/28/23 Chair's Update and Select Committee Work Programme 2023-2024**

Chair's Update

The Chair had no further updates.

Work Programme 2023-2024

Consideration was given to the current Crime and Disorder Select Committee Work Programme. The next meeting was scheduled for 25 January 2024 and would feature the third evidence-gathering session for the ongoing Scrutiny Review of Outdoor Play Provision.

Reference was made to the 'other information sources / updates' section which included two additional elements involving developments around shoplifting and the Dangerous Dogs Act 1991.

AGREED that the Crime and Disorder Select Committee Work Programme 2023-2024 be noted.