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To: The Chair and Members of the Borough Council

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Contact: Mrs E J Dale
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Tuesday, 30 July 2024

Dear Councillors,

BOROUGH COUNCIL: THURSDAY, 1 AUGUST 2024 – ITEM TO FOLLOW

Please find attached the following agenda item(s) that were marked as 'To Follow' on your original agenda.

12. To reply to Questions from Members of the Council. 3 - 10

Questions to the Chair, Members of the Cabinet, Chairs of any Committee or Sub-Committee, Members of the Fire Authority, Police and Crime Panel or the Tees Valley Combined Authority Scrutiny Committee, for which notice has been given.

If you have any queries about this matter please contact me on the number listed above.

Yours sincerely,

MR J SAMPSON
MANAGING DIRECTOR (HEAD OF PAID SERVICE)

CIRCULATION

Councillors M Head (Chair), N Bendelow (Vice-Chair), I Attwood, L Robson, P Berry, A Brook, A Brown, C Cawley, R Clark, B Clarke, P Chaney, J Craven, G Cutler, C Curr, W Davies, U Earl, K Evans, M Fairley, M Fletcher, T Gray, P Grogan, C Hannaway, N Hargreaves, I Hart, J Hart, B Hunt, G Jeffery, C Jones, J Joy, S Kay, K King, J Lavan, T Learoyd, S Martin, C Massey, J McCue, P McInnes, C Morgan, J Neal, G Nightingale,

M O'Donoghue, A Oliver, M Ovens, L Pallister, D Powlay, C Pugh, C Quartermain,
C Richardson, V Rider, L Rynn, P Salvin, Stuart Smith, B Suthers, J Symon, D Taylor,
J Thompson, P Thomson and L White
Councillors (Cabinet Members - for information)
All Members of the Council (for information)
Corporate Director for Resources
The Press [except for Confidential item(s)]

QUESTIONS TO COUNCIL – 1 August 2024

Question 1: Question from Councillor Martin to Councillor Brook, Cabinet Member for Neighbourhoods.

In May I asked the following question about enforcement:

“I, like most of our fellow councillors and residents are sick and tired of illegal and dangerous parking within Redcar and Cleveland. When reporting to enforcement we are told that officers will attend but it's often too late.

When speaking to the team I was shocked to learn that there are only 12 enforcement officers in the whole of Redcar and Cleveland which means there are 4 – 8 staff on duty at any one time. Enforcement deals with everything from parking, fly tipping, littering, dog fouling, untaxed vehicles and certain anti-social behaviour.

How can this small team deal with the pressures we put on them and offer the service that our residents deserve? This is the only service which theoretically pays for itself through revenue raised by issuing fines.

No matter which Ward I am in throughout the day, I will see 10 - 20 cars daily parked on yellows lines. This is potentially £700 - £1400 a day in lost revenue (a fine for parking on double yellow lines is £70).

Investment in additional enforcement officers will more than pay for itself in the revenue raised for the council, in turn keeping our streets safer and our residents happy.

Will the Cabinet consider increasing the number of enforcement officers so that we can improve services for our residents and at the same time, increase revenue for the Council?”

The response to this was that Cllr Brook does not want to develop a fine culture within R&C, that it's more about education, and there is no money for extra officers.

On Saturday 20th July, Cllr Brook made a Facebook post saying he had instructed enforcement to take a hardline on littering on our coasts.

Do you think it's acceptable to instruct enforcement to clamp down on littering when road safety and the safety of residents is at risk due to illegal and dangerous parking? Surely this should be higher up the list for enforcement than littering?

By instructing officers to clamp down on littering, isn't this going against what you previously said regarding my question, not wanting to have a fine culture and that it's about education?”

Question 2: Question from Councillor Smith to Councillor Brown, Leader of the Council.

“Saltburn residents and Ward Councillors feel that they have been let down yet again by this Labour Administration in trying to address the many historic road traffic problems and issues we have along Marine Parade.

The protest group Saltburn Against Promenade Changes appear to have a hot line to, and the ear of your party.

Can I ask what hold do this group have over this administration?”

Question 3: Question from Councillor Hargreaves to Councillor Brown, Leader of the Council.

“Will this Council commit to the residents that they will defend the decision made by the Regulatory Committee in December regarding the Rowan Garth Extension and they will be open and honest about discussions taking place going forward?”

Question 4: Question from Councillor Grogan to Councillor Brook, Cabinet Member for Neighbourhoods.

“Volunteer groups are vital to our communities within our borough, like they are anywhere else up and down the country.

These groups provide a service that without them, people, businesses, and our areas would be poorer without them, and this authority would be in a poorer state financially than it already is.

We must help these groups as much as possible, from the Friends of Redcar Cemetery, New Marske in Bloom, even an organisation close to you, Grangetown Generations and the borough wide South Gare Litter Pickers.

This weekend I was litter picking in Kirkleatham with the South Gare Litter Pickers and learned what their role entails and how this Council helps their group.

I was surprised to learn that the Litters Pickers have been given some criteria by officers to follow when it comes to litter picking in our communities.

They have been told to stick with Redcar and Cleveland Borough Council areas only if they want the rubbish to be collected for disposal. This causes some confusion especially with mapping issues, as they are aware of private companies and private land but, this also leads to areas under the mapping control of Beyond Housing, or private estates and any other housing association controlled areas.

With the change of how Beyond Housing and the Council deal with fly tipping due to costs and doing their own thing due to those raising costs, the South Gare Litter Pickers have been told the Council will not dispose of the litter waste from private housing estates and social housing areas.

Is it true that this community group can't collect litter from these areas and have its waste disposed of for free?”

Question 5: Question from Councillor Pugh to Councillor Quartermain, Cabinet Member for Highways and Transport.

“Across the Borough we regularly see utility companies dig up newly laid road surfaces and footpaths, in order to carry out work, and then they leave the road in an inferior condition to which they found it.

We've recently had this at Normanby Top. As Councillors will know, our High Street in Normanby was shut for 12 weeks and businesses had a terribly difficult time, but we did have a resurfaced road as well as a new traffic light system to show for it.

Since that work was carried out and finished in June, utility companies have already dug up sections of the road and replaced the freshly laid surface with a lesser, and different coloured, material. Residents, business owners, and those who drive through are rightly unimpressed with this.

So my question to the cabinet member for Highways is, what can the Council do to ensure that this happens less often, and when it does happen, how can we ensure the resurfacing work by utility companies is to a better standard? “

Question 6: Question from Councillor Learoyd to Councillor Smith, Chair of the Regulatory Committee.

“With respect to the decision for the council not to defend the case of "Land Adjacent to Silverdale Gardens" (R/2024/0128/FF), has the Regulatory Committee held a vote to overturn the previous decision to reject the proposal made 20 December 2024?”

Question 7: Question from Councillor Learoyd to Councillor Brown, Leader of the Council.

“The planning application Land Adjacent to Silverdale Gardens (R/2020/0128/FF) was rejected by the planning committee on 20 December 2024. It was done so with Cllr Neal in the chair. Cllr Neal was in the chair as Taylor Wimpey requested that I not be the chair in an email dated 20 October 2024 to a planning officer [email FOI release can be provided].

TW's decision to go to appeal first emerged 22 April 2024 in an email to the same planning officer [email FOI release can be provided]. The FOI reveals an extensive dialogue on and off email with Pegasus, Taylor Wimpey's agent.

Councillors and residents were not notified of the appeal until 26 June 2024. The above planning officer, when asked on 1st May 2024 about the appeal claimed to have not heard back from the applicant.

On 25 July 2024, I became aware from a planning inspector notification of Redcar and Cleveland Council withdrawing their defence. For the clarity of councillors, no case or hearing normally occurs when a settlement is made outside of court.

The effective end of this case was determined by the council's monitoring officer acting as the legal officer. In an email dated 26 July 2024 the monitoring officer justified their decision to remove the council's defense on cost grounds.

To remind councillors, the definition of a monitoring officer according to the government is as follows: "to report on matters they believe to be illegal or amount to maladministration, to be responsible for matters relating to the conduct of councillors and officers, and to be responsible for the operation of the council's constitution."

In their reply to my email, 26 July 2024 questioning, of which all councillors were copied in, the council's monitoring officer states:

"I have delegated authority under the scheme of delegation to deal with legal proceedings" as indicated the constitution at 43. The power states as chief legal officer an officer can withdraw from a legal case.

However, a planning appeal is not any legal case but a planning case governed by the Town and Country Planning Act 1990. Case law makes clear that an officer does not have the power to override a prior planning committee decision, particularly when it comes to cost grounds.

Cases applied:

R v Tendering Council [2008].

Blacker, R (On the Application Of) v Chelmsford City Council)

R v RBKC, ex parte Stoop [1992] 1 PLR 58

In the case: R (Miles) v Tonbridge & Malling BC et al. [2020] EWHC 1608 it states:

"Some care needs to be taken in advising a Planning Committee of the risk of costs associated with defending its decision on a planning application, whether on appeal (and potentially through a costs award), or if its decision is challenged in the High Court. That is because the exercise of planning judgment under s.70 TCPA 1990 must be limited to considerations of the land use planning merits of the proposal."

It could be viewed independently that the action of the monitoring officer on 25 July 2024 to notify the planning inspector of the end of Redcar and Cleveland's defense of Silverdale Gardens, according to case law, is outside of the law. It could also be considered that their action as legal officer was in direct conflict with his own statutory role as Monitoring Officer and duty to report any matters believed to be illegal or maladministration to the government.

In addition, the monitoring officer's action could be externally regarded as bringing the council into disrepute as the democratic principle of the separation of powers has been breached, as councillor decision making has been overturned by an unelected officer.

How does the council leader view this matter?"

Question 8: Question from Councillor Thomson to Councillor Richardson, Cabinet Member for Climate and Culture.

“There will be public firework displays held in November organised by a variety of organisations.

When these are held on private ground it appears that the local authority has no jurisdiction over the conduct of these events and although many members of the public may be subject to debris falling on their property as a result of fireworks released into the air, no action is taken by the local authority to prevent such anti-social actions, which can potentially result in personal injury and property damage.

Will Redcar & Cleveland Council consider its responsibility for community safety and issue clear instructive guidelines for any organiser of fireworks displays on how it should manage its event to mitigate against causing injury to individuals and damage to property, and clear guidance for members of the public on how to register any instance of such damage or injury?”

Question 9: Question from Councillor Thomson to Councillor Quartermain, Cabinet Member for Highways and Transport.

“Following a motion passed unanimously by Full Council in 2022 to address the issues of Motor Home parking on Marine Parade and Glenside in Saltburn, the Council finally proposed in February this year to make an Order under the Road Traffic Regulation Act 1984 prohibiting the parking of motor caravans on those roads between the hours of 8pm and 8am.

A draft Order which, together with a statement of the Council’s reasons for proposing to make the Order, were made available for examination at the Council Offices.

Any resident wishing to object to the proposed Order was invited to send the grounds of any objection in writing to Emma Garbutt by 26.3.24.

No invitation was given to residents to write in support.

It was not until social media campaign posts brought the Order to the attention of some residents, and also the intention of campaigners to contest the Order, that some residents felt that indications of support should be submitted as well. In the event a net 37 persons registered objection.

In previous consultation on the Saltburn Masterplan when all residents were written to, 1194 replies were received and 58% of respondents highlighted Motor Home as a top priority issue.

A petition was also received during the publication of the Order. Of the 1205 responses only 20 full postcodes from Saltburn were recorded, with the Council’s guidelines for completion of petitions to include full addresses and that only eligible participants were to be those that resided, worked or studied in the area.

It is perhaps worth noting that petitioners were recorded from such places as Italy, Bulgaria, India, France, Finland, Belgium, Sweden, Netherlands, New Zealand, Cyprus, Mexico, Argentina, Germany, Saudi Arabia, Greece, Serbia, Nigeria, Malaysia, Morocco, Australia, Romania, South Africa and South Africa.

Will the Council ensure that all future decisions on evaluating TRO responses are objectively considered and every effort is made to ensure that all residents are made aware of the consultation process and invited to contribute.”

Question 10: Question from Councillor Taylor to Councillor Brook, Cabinet Member for Neighbourhoods.

“I am following up on a question I raised last year regarding the maintenance and management of local wildlife areas and pavements. Despite assurances that these issues would be addressed last year and this year, it appears that the same problems persist, if not worsen. I previously suggested looking at successful initiatives implemented by other councils, such as Leeds.

In Leeds, the council has effectively utilized local businesses to sponsor dedicated wildlife areas, generating approximately £350,000 in revenue. This income helps fund the maintenance of these areas and supports the necessary equipment and teams. The only advertising we do is roundabout advertising, which brings in an extra £33,000 from 28 spots fully booked for a year. This is equivalent to £1,200 per sign. Leeds offers under £200 per sign but generates far greater revenue. The wildlife areas within their estates are maintained to a high standard, showcasing a beautiful and well-managed environment.

Given this successful model, I propose that our council explores similar sponsorship and advertising opportunities to enhance our local environment and ensure proper maintenance. This approach not only beautifies our community and helps with biodiversity, but also provides a sustainable source of revenue and keeps our residents safe and happy.

I believe adopting these strategies could significantly improve the upkeep of our local areas and provide a better quality of life for residents. I look forward to your response and hope we can work together to implement these positive changes.”

Question 11: Question from Councillor Salvin to Councillor Quartermain, Cabinet Member for Highways and Transport.

“We welcome the Council’s U turn on the provision of free parking in support of local business, something that we have been campaigning for during the last year. You may recall that the Conservative Group brought a motion to Council last July, on behalf of the residents of Guisborough and other towns across the borough, asking that we consider how we might continue to provide free parking when the grant from the TVCA expired.

The arguments against were vociferous, for example, from the Leader, and I paraphrase a bit, “Why should a child in care in Kirkleatham...children in Dormanstown and all the deprived wards receive less?”

From Cllr Robson, "Life expectancy in Redcar and Cleveland is lower than the national average, 35% of children are living in poverty."

From Cllr Suthers, "...Service costs are ballooning...costs of looked after children are expanding dramatically."

Can you please tell me what has changed since last year to bring about this U turn? How was it completely beyond the scope of any possibility last year because of the factors mentioned above, and now, suddenly, it's possible?"

Question 12: Question from Councillor Curr to Councillor Massey, Cabinet Member for Resources.

"The Corporate Resources Scrutiny Committee met earlier the day that this policy was announced. No mention was made at the meeting of the intention to reintroduce free parking. What is the relevance of a finance committee if there is to be no discussion of a major, U turn policy decision that is bound to have resource implications, and instead it be announced on Facebook later that day?"

Question 13: Question from Councillor Hannaway to Councillor Quartermain, Cabinet Member for Highways and Transport.

"Cllr Quartermain, in a meeting on Thur 11th of July, you, I, and Cllrs Smith and Thomson, were informed by officers that TRO consultations only ask for objections to a proposed scheme, not support for it; in this case the Marine Parade overnight parking order. Despite this, you subsequently said in an RCBC Facebook post, "The consultation for this proposal received 81 objections and only 44 in support", treating the official solicitation of negative responses as if it were a public poll. Is this not clearly a misrepresentation of both the nature of the consultation and the views of Saltburn residents? You also stated in the same Council Facebook post, "In addition to this, the Council received a petition of 1,820 people who were against the introduction of the ban.", but failing to mention that the vast majority of the petition signatories do not live in Saltburn, and many of them live in other parts of the UK. Why are you so determined to spin the truth in favour of a particular minority of Saltburn residents?"

Question 14: Question from Councillor Joy to Councillor Quartermain, Cabinet Member for Highways and Transport.

"Parking in and around the Borough has become another expense for residents, shoppers, workers and visitors to wrestle with in a time where we are still coping with the hangover from the cost of living crisis but the council must balance revenue generation with access to our town centres, towns and villages.

I was pleased to see the recent decision to give free parking in Redcar and feel very hopeful that two more sites will be found. Clearly everyone will feel justified in making the case for their own area. Of course, representing Hutton ward in Guisborough I and my Guisborough colleagues would be pointing to Guisborough being the largest town in East Cleveland. People in Guisborough feel that we often

are the Cinderella to Redcar's free parking offer so can I ask how the decision is being made to choose suitable sites?"

Question 15: Question from Councillor J Hart to Councillor Brook, Cabinet Member for Neighbourhoods.

"Following the new Government just opening the borders and illegal immigrants being granted permission to stay, an estimated 90,000 of them.

Can you reassure me that our residents will not be pushed further down the queue who are already on social housing waiting lists."

Question 16: Question from Councillor Nightingale to Councillor Brown, Leader of the Council.

"Will the leader of the council update members of the council on the results of his contacts with the new government over re-establishing a fairer deal for councils like Redcar & Cleveland that have suffered so grievously under the previous Conservative Government and that the new government will restore fair funding and ensure the council's finances are sustainable into the future?"