

**MINUTES of the meeting of Council held on 26 September 2012 at 7.00 p.m.**

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**Present:** Councillors Yash Gupta MBE (Mayor), Tony Fish (Deputy Mayor), Phil Anderson, Clare Baldwin, Lynn Carr, Mark Coxshall (from 7.16 p.m.), Charles Curtis, Wendy Curtis, Angie Gaywood (to 8.38 p.m.), Oliver Gerrish, Robert Gledhill, Sue Gray, Garry Hague, James Halden, Diana Hale, Martin Healy (from 7.07 p.m.), Shane Hebb, Terence Hipsey, Victoria Holloway, Barry Johnson, Tom Kelly, Cathy Kent, John Kent, Charlie Key, Steve Liddiard, Susan Little, Suzanne MacPherson, Ben Maney, Val Morris-Cook, Tunde Ojetola, Bukky Okunade, Barry Palmer, Maureen Pearce, John Purkiss, Robert Ray, Joycelyn Redsell, Michael Revell, Barbara Rice, Andrew Roast, Andy Smith, Philip Smith, Richard Speight, Pauline Tolson, Simon Wootton and Lynn Worrall.

**Apologies:** Councillors Wendy Herd, Gerard Rice and Michael Stone.

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Before the start of the Meeting, the Mayor advised all present that the meeting was being recorded.

The Mayor invited Reverend Barlow to say a few words and lead the Council in Prayer.

The Mayor informed the Chamber that he wished to change the order of the Agenda so that Item 10 would be taken before Item 9.

**47 MINUTES**

The Minutes of the meeting of the Council, held on 25 July 2012, were approved as a correct record.

**48 ITEMS OF URGENT BUSINESS**

The Mayor informed the Council that he had not agreed to the consideration of any items of urgent business.

**49 DECLARATION OF INTERESTS**

In respect of Agenda Item 17, Councillor Roast declared that he was a Director of Play 2 Learn Day Nursery in West Thurrock.

In respect of Agenda Item 22, Motion 2, Councillor Anderson declared that he had served as a volunteer for Thurrock Food Bank.

## 67 MOTIONS

The Mayor informed the Chamber that three motions had been submitted for consideration at the meeting.

### Motion 3:

The motion, as printed on the Agenda, was proposed by Councillor Halden and seconded by Councillor Key.

A number of Members spoke in support of the Motion, citing that the Motion sought to recognise the changing educational landscape in Thurrock. In addition, it was reported that CIL was a new scheme and that it was up to the Council to design a framework for this.

However, a number of Members expressed some concern regarding the inclusion of Section 106 monies, citing that this was not charitable funding and that the Council had to justify to a developer why it was seeking such contributions from them. In addition, it was stated that Section 106 monies could not be applied across Thurrock. Some doubt was also expressed as to whether primary schools in particular had the capacity to undertake what was proposed in being able to spend such monies that were designated for educational provision.

In summing up, Councillor Halden advised the Chamber that he was seeking a feasibility study to be undertaken to feed into work that was to be taken to the relevant overview and scrutiny committee. He acknowledged the points that had been raised regarding Section 106 monies but said that CIL monies could be used throughout the Borough.

Upon being put to the vote, 22 Members voted in favour of the Motion and 21 voted against, whereupon the Mayor declared the Motion to be carried.

### **RESOLVED:**

**The chamber requests a feasibility study to be done with a view to allowing schools to directly spend 106 or CIL money designated for educational provision.**

**Motions Submitted to Council**

**In accordance with Chapter 2, Part 2 (Rule 15) of the Council's Constitution**

**Motion 3**

**Submitted by Councillor Halden**

"The chamber requests a feasibility study to be done with a view to allowing schools to directly spend 106 or CIL money designated for educational provision."

**Monitoring Officer Comments:**

The proposal refers to contributions paid pursuant to the granting of planning permission under section 106 of the Town and Country Planning Act 1990 and payments made under the Community Infrastructure Levy (CIL) introduced under the Planning Act 2008. The use of a condition requiring a contribution from a developer particularly a homebuilder is common place. The contribution is calculated according to a formula that also reflects the viability of the development. The motion seeks approval of an examination into allowing schools to directly spend the funds.

Payments sought under section 106 are to such as to be: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.

Whereas the raising of funds under the CIL can be used to support development by funding infrastructure that the council, local community and neighbourhoods want - for example new or safer road schemes, park improvements or a new health centre. The system is very simple. It applies to most new buildings and charges are based on the size and type of the new development. The CIL's application is broader than the section 106 regime which is closely tied to the specific development. The Localism Act 2011 amends the Planning Act 2008 to permit payment to be made via the authority to other organisations. Regulations to enable this have yet to be made. It is highly likely that they will require a level of accountability and those schools if beneficiaries will have to direct the monies to identifiable infrastructural measures with an audit trail as to spending. This will be overseen by the authority.

To summarise it is entirely reasonable to seek from developers funds for schools. However the actual decision of allocation of the apportionment of funds would need to remain with the local authority in terms of CIL policy. For S.106 monies it is not possible to direct that the funds be paid directly to schools which are not connected in any way with the development. Going forward to the CIL regime it could be possible to establish a consultation

advisory panel or sounding board where the local schools could have an input into the prioritisation of such funds in terms of allocation and that would assist in terms of establish a degree of accountability.

**Section 151 Officer Comments:**

There are no financial implications arising from this motion.

**Is the above motion within the remit of Council to approve?**

Yes