

Cabinet

A meeting of Cabinet was held on Thursday, 18th May, 2006.

Present: Cllr R Gibson (Chairman), Cllr Mrs P A Cains, Cllr D Coleman, Cllr B Cook, Cllr A Cunningham, , Cllr E Johnson, Cllr P Kirton, Cllr K Leonard, Cllr S Nelson, Cllr Mrs J O'Donnell

Officers: J Danks (R), J Haworth (ACE), J Allport, J Edmonds, C Straughan (DNS), A Baxter (CESC), M Henderson (LD)

Also in attendance: Councillors Fletcher and Mrs Beaumont

Apologies:

154 **Declarations of Interest**

Councillors Leonard and Nelson declared personal, non prejudicial interests in respect of item 8 Tristar Homes Ltd - Strengthening Governance as they both served on Tristar Homes Ltd Board.

155 **Minutes**

Minutes of the meeting held on 20th April 2006 were signed by the chairman as a correct record.

156 **Appointment of Local Authority Representatives to School Governing Bodies**

Cabinet was requested to consider the appointment of school governors in accordance with the procedure for the appointment of school governors, approved at Minute 84 of the Cabinet (11th May 2000).

RESOLVED that the appointments to the following School Governing Bodies be approved in line with agreed procedures subject to successful List 99 check and Personal Disclosure: -

Billingham Campus Mrs J Baker, Mr R McCall

Bishopsgarth School Mr J Rayner, Mr G. Noble

Crooksbar Primary School Mrs K Robson

Durham Lane Primary School Mrs V. Nicholson

Egglescliffe School Mrs K. Ward

Frederick Nattrass Primary School Cllr Mrs K. Nelson

Harrow Gate Primary School Mrs M. Speight

Hartburn Primary School Miss F Hawkins

High Clarence Primary School	Mr R McCall, Mrs A McCoy
Ingleby Mill Primary School	Mr P Mallon, Mr S Watson
Kirklevington Primary School	Mr I Waller
Norton Primary School	Mr K Barrett
Priors Mill CE Primary School	Mrs M McLean
Stockton Riverside College	Cllr J Beaumont (Con), Cllr C Coombs(Lab)
St. Cuthbert's RC Primary School	Mr S Dowson
St. Patrick's RC Secondary School	Mrs E Barber
St. Therese of Lisieux RC Primary School	Mrs I.Machin
The Norton School	Mr G. O'Neill
Thornaby Community School	Mr J Lowe, Mrs N Wilburn, Mr. E. Kirkham, Cllr. J. Lynch
Tilery Primary School	Ms K Sainsbury
Village Primary School	Mr R Moss, Mrs C Siddell
School Organisation Committee	Mr G Jarrett

157 Primary Schools in Billingham

Cabinet was reminded that the Council had encouraged the formation of primary schools rather than separate infant and junior schools, on grounds of improved continuity and consistency of teaching and pastoral care, enhanced career opportunities for staff, and greater flexibility in management. Three pairs of schools in the Borough had been amalgamated in recent years following consultation instigated at the request of the governing bodies of those schools. The Council had not sought to impose amalgamation against the wishes of schools.

It was explained that only two pairs of infant and junior schools remained in the Borough. These were:-

- Roseberry Infant School and Roseberry Junior School and;
- Bewley Infant School and Bewley Junior School

Meetings of the governing bodies of Roseberry Infant School and Roseberry Junior School had produced contradictory outcomes: one governing body agreed to consultation on a possible amalgamation, but the other had not. Parents of children attending those schools, and staff working in them, had not had an opportunity to consider the issues around amalgamation and express

their views (apart from the small number who sat on the governing bodies). Consultation would provide that opportunity for all interested parties.

The outcome of consultation would be reported to Cabinet and would, by law, be considered before any firm proposal being made. If the responses were positive, the Authority might propose to close the separate infant and junior schools and open a new community primary school in the same buildings.

RESOLVED that the information in the report be used as the basis for consultation with interested parties, on the possible amalgamation of Roseberry Infant School with Roseberry Junior School, and of Bewley Infant School with Bewley Junior School.

158 Tees Valley Joint Strategic Flood Risk Assessment

Cabinet received a report relating to the joint Tees Valley Strategic Flood Risk Assessment and noted that it would form part of the evidence base for the Local Development Framework.

Members were informed that consultation draft Planning Policy Statement 25: Development and Flood Risk stated that all local planning authorities should prepare a Strategic Flood Risk Assessment, in consultation with the Environment Agency, to determine the variations in flood risk across the Borough as the basis for preparing appropriate policies for flood risk management for those areas. This would also enable the Council to determine the acceptability of flood risk in relation to emergency planning capability. Strategic Flood Risk Assessments had to either form part of the Sustainability Appraisal of Local Development Documents, or be used to inform the sequential approach to flood risk for site allocations and in determining planning applications.

The submission draft of the Regional Spatial Strategy for the North East (June 2005) also advocated that in developing Local Development Frameworks and considering planning applications a sequential risk-based approach to development and flooding should be adopted. In addition it would be necessary to undertake a Strategic Flood Risk Assessment.

Following a meeting with the Environment Agency and the other Tees Valley Authorities in January 2006, the Head of Planning Services was in agreement to pursue a Strategic Flood Risk Assessment in conjunction with the other Tees Valley Authorities. Joint working was particularly encouraged and there were numerous examples of such joint working.

The Council's Procurement Team were satisfied that Redcar & Cleveland Borough Council would go out to tender for the Tees Valley Authorities to ensure that best value for money was achieved. The Environment Agency would be invited to submit a competitive tender by linking work carried out on the River Tees Catchment Flood Management Plan

It was estimated that the costs for a local authority to undertake a Strategic Flood Risk Assessment singly was between £20,000 and £25,000. It was also estimated that costs between £40,000 and £45,000 jointly for a Strategic Flood

Risk Assessment for the Boroughs of Redcar & Cleveland, Stockton and Middlesbrough (a maximum of £15,000 each). Since the estimates were received, Hartlepool Borough Council and Darlington Borough Council had agreed to undertake a joint Strategic Flood Risk Assessment.

Dependent on the appointed consultant's workload, it was anticipated that the Strategic Flood Risk Assessment would take a maximum of six months to complete and would require a "planning input" into the final Strategic Flood Risk Assessment to ensure that the data had been interpreted correctly and that it was a planning document with a technical input and not a technical report with a planning input.

Members were provided with details the advantages and disadvantages of pursuing a joint Strategic Flood Risk Assessment as follows:

Advantages

- o Economies of scale
- o The River Tees catchment area extends beyond the authority boundary
- o A development within one Authority boundary may increase the risk of flooding elsewhere if a holistic approach is not adopted
- o Frees up Council staff to concentrate on the preparation of other development plan documents
- o Avoid any legal challenge as to the soundness of a development plan document

Disadvantages

- o Consultants have to be able to fit it into their workload
- o Each local planning authority are at different stages of production of their local development documents

RESOLVED that

1. the principle of undertaking a Joint Strategic Flood Risk Assessment be endorsed.
2. the appointment of consultants to carry out this work be endorsed.

159 Minutes of Various Bodies

RESOLVED that the minutes of the meetings of the Joint Strategy Committee held on 16 December 2005 and 30th January 2006 be approved/received, as appropriate.

160 Minutes of the meeting of the Central Area Partnership Board held on 26th January 2006

RESOLVED that the minutes of the meeting of the Central Area Partnership Board held on 26th January 2006 be approved/received, as appropriate.

161 Minutes of the meeting of the Northern Area (Billingham) Partnership Board held on 13th March 2006 be approved/received, as appropriate.

RESOLVED that the minutes of the meeting of the Northern Area (Billingham) Partnership Board held on 13th March 2006 be approved/received, as appropriate.

162 minutes of the meetings of the Renaissance Board held on 14th March and 11th April 2006

RESOLVED that the minutes of the meetings of the Renaissance Board held on 14th March and 11th April 2006 be approved/received, as appropriate.

163 Tristar Homes Limited - Strengthening Governance

Cabinet was asked to consider and approve a scheme of remuneration and appraisal for the Tristar Homes Board.

Members were provided with copies of reports (prepared by the Director of Stockton Borough Council's Development & Neighbourhood Services in conjunction with Tristar Homes Limited's Company Secretary) which had been considered by the Tristar Homes Limited Board. They considered a range of issues relating to improving the capacity and effectiveness of both the governance and performance of Tristar Homes Limited.

It was noted that this reflected one of five critical areas of the comprehensive service improvement plan (SIP), developed as a result of the Audit Commission's housing inspection report in 2005 in which it had stated "It is not clear that the Board provides the proactive leadership necessary to drive forward change". The SIP was in effect a route map to a 3 star excellent service.

Specifically there were comprehensive training and development programmes, dedicated support, peer monitoring and revised governance structures. A detailed scheme of appraisal for the Board, and in particular, for those key positions on the Board which had special responsibilities had been agreed in principle and a detailed scheme due for consideration and approval.

One element of the package of measures (which of course all fed into the comprehensive service improvement plan) which required specific approval from Stockton Borough Council was the scheme of remuneration. This had been considered and debated in detail at several Board meetings (details were provided to Cabinet in Appendix 2 and 3).

Tristar Homes Limited had approved the scheme of remuneration and appraisal as at Appendix 1a of the report, but this was subject to Stockton Borough Council endorsement. In effect the scheme of remuneration would apply to five specific roles, each with special responsibility. The costs would be met from existing Tristar Homes Limited budgets.

It would be appropriate for the Council's independent allowances panel to be asked to review and administer the scheme and the costs of such to be recharged to Tristar Homes Limited.

RECOMMENDED to Council that

1. the proposed scheme of remuneration and appraisal, as outlined in appendix 1a of the report, be endorsed.
2. the Council's independent allowances panel be requested to review and administer the scheme thereafter.

164 Improving Sheltered Housing - Selection of Registered Social Landlord for Preferred Partner Status.

Members were reminded that, at its meeting held on 10th March 2005 Cabinet had supported Small Scale Voluntary Transfer (SSVT) as the most viable means of securing the investment required to deliver quality older persons accommodation.

Since that time, the detailed SSVT process had commenced. Key stages had included; the establishment of the Sheltered Housing Tenants Group, the Registered Social Landlord (RSL) selection process, including the establishment of a Selection Panel and the valuation of the sheltered housing stock.

It was explained that following a comprehensive selection process, details of which were provided to Members, the Selection Panel were unanimous in their endorsement of Erimus Housing as the preferred RSL partner for the SSVT of sheltered housing.

Cabinet noted that the proposals submitted by Erimus Housing include the modernisation of three sheltered housing schemes and demolition and new build of 3 schemes. This proposal was consistent with the proposals received by each of the shortlisted RSLs and an independent stock condition survey carried out on behalf of the Council. In two blocks, where demolition was proposed (Eden and Derwent House), accommodation consisted of flatted accommodation with shared bathroom facilities; in those instances modernisation to an acceptable standard (i.e. decent standard and the provision of self contained bathing and wc facilities) would not be possible. The third sheltered housing scheme proposed for demolition and new build was Witham House, this property had structural problems and was identified in the stock condition survey as in 'poor' condition and requiring extensive investment. In addition the majority of accommodation (19 of 24 units) only provide bedsit accommodation, which would prove unviable to convert and were becoming increasingly unpopular.

In each of the 3 sites proposed for redevelopment, Erimus Housing would re-provide quality elderly persons accommodation for both rent and sale. This proposal was consistent with the Councils strategy for elderly persons accommodation in terms of developing a range of affordable housing options for elderly people (including quality rented, intermediate tenure and outright sale).

Given its popular residential location, Witham House in Eaglescliffe was

potentially the most financially viable of the sites in terms of future resale values. Initially all of the shortlisted RSLs proposed new build elderly persons accommodation exclusively for sale on this site. Erimus were aware that this proposal was not acceptable to the Council and had committed to a mix of sale and rented accommodation. The proposal would reduce the numbers of rented accommodation units currently available on this site. However the split between the numbers for sale/rent was yet to be agreed and would be subject to further discussion with Erimus Housing.

It was explained that there were 21 tenanted properties in Witham House. The timing of the improvement works at Witham House would inevitably impact on tenant numbers as the improvement/re-provision of accommodation across all 6 sites would be staggered over a number of years. During this time no further lets would be made at Witham House and therefore based on turnover rates averaging 10% it was anticipated the number of tenanted properties would reduce. In addition the Council's experience from decanting similar sheltered housing schemes indicated that following the initial transit move, often only the minority of tenants choose to return.

It was acknowledged that the process of informing tenants of the Erimus proposal needed to be carefully managed across all six sheltered housing schemes to avoid undue alarm and distress. Cabinet noted that this would be undertaken through ongoing meetings at individual sheltered schemes and one to one visits with tenants and their family members/advocates.

The ODPM had specified that a transfer could not go ahead unless an Authority had consulted with those tenants whose homes would transfer and could demonstrated that a majority were not opposed. The Council was therefore legally required to make an 'offer' to those who would be affected by the transfer (in what was know as the 'formal consultation period'). Tenants would then be asked to vote on this 'offer', the transfer would only proceed if the majority of those who voted, voted yes.

In advance of the 'formal' consultation period, the Council, in partnership with the preferred RSL partner, would undertake a detailed and comprehensive consultation period with tenants, which would involve introducing the preferred partner and explaining the proposals. In addition, this period would also be used to draw up the 'offer' document which would include a series of 'promises' to tenants, specifically detailing how decent homes would be met, future policies on rents and repairs and levels of service improvement. Those promises could only be drawn up following detailed and ongoing consultation with residents. Promises needed to be clearly defined, time related and measurable as following the transfer they would be monitored by the Housing Corporation to ensure tenant expectations were fulfilled. On this basis it was not anticipated that a formal ballot would occur until late 2006/early 2007. During this consultation period all tenants would continue to receive the support, advice and guidance of the Independent Tenant Advisor.

In the event of a positive ballot outcome the Council would then apply to the Secretary of State to grant consent for the transfer. In order to ensure that the 'promises' made reflected the views of tenants resident at the time of the transfer, the ODPM expected authorities to minimise the time between ballot and transfer. Councils were therefore advised that transfer should occur within

6 months of the ballot decision being known.

During the period from ballot to possible transfer the council and preferred partner would continue to engage and communicate with tenants regarding the progress of the transfer. In addition this period would be used to draw up the transfer contract (which govern the sale of the housing and the relationship between the authority and the transfer RSL).

RESOLVED that

1. Members note the progress made to date in progressing the SSVT of the Council's sheltered housing stock.
2. Members endorse the appointment of Erimus Housing as the preferred partner Registered Social Landlord (RSL).
3. Members support the provisional timetable of transfer activity as detailed within the body of the report, culminating in the transfer of sheltered housing stock to Erimus Housing.
4. Members acknowledge the anticipated financial implications of the SSVT of sheltered housing as detailed within the body of the report.
5. In order to take the development forward Members agree to cease all new lettings in each of the sheltered housing schemes (with immediate effect).

RECOMMENDED to Council that

6. Subject to a positive ballot outcome, delegated authority be given to the Director of Law and Democracy in consultation with the Cabinet Member for Housing and the Corporate Director of Development and Neighbourhood Services to apply to the Secretary of State for consent to dispose of the land and to transfer it to Erimus Housing at nil consideration on terms to be agreed between the Parties.

165 INTERIM SUPPLEMENTARY PLANNING GUIDANCE ON THE VALIDATION OF PLANNING APPLICATIONS

Cabinet was asked to note and endorse an interim document to assist in the validation of planning applications.

The document would assist developers and Stockton Planning department in the validation of planning applications. It was intended to build upon this document and work towards a future Supplementary Planning Document (SPD) which would be formally adopted as part of the Council's Local Development Framework (LDF).

The document would offer assistance and guidance to developers submitting planning applications detailing the expected requirements for a variety of types of planning application in order to achieve a quicker, more transparent and efficient planning service.

It was intended to outline the current validation procedures of planning applications received by Stockton Borough Council, providing guidance on the information required to be submitted as part of a planning application.

This was aimed at lessening the ambiguity of what was classed as a valid planning application and enabling the Local Planning Authority to have sufficient information to confidently determine planning applications while offering a clear and detailed requirement from the outset in order to provide a fast and efficient service.

The checklists provided within the application pack was by no means comprehensive and was aimed at covering the majority of information required for most types of planning application submitted. In certain instances and particularly with sensitive, complex and major applications additional information may be required, in such instances the Local Planning Authority would contact the applicant or agent in writing outlining the additional information required and the application would remain invalid until all the required information was submitted.

Members noted some of the most common reasons why applications were considered to be invalid:-

- i. The drawings submitted do not show sufficient details or key elevations were missing.
- ii. The application forms/certificates were not correctly signed or dated
- iii. Incorrect fees enclosed or fee cheque not signed
- iv. Information submitted was still inadequate or incorrect
- v. Scales of drawings were incorrect, or not accurate
- vi. Key elevations or site plans were missing

RECOMMENDED to Council that

1. Approval for Officers to consult on the Validation of Planning Applications as a Supplementary Planning Document (SPD), as detailed in Appendix 1 of the report be given.
2. Authority be delegated to the Head of Planning in consultation with the Chair and Vice Chair of Planning Committee and Cabinet Member of Regeneration and Transport, to refer this report to Cabinet and Full Council for it's approval and adoption as a SPD. The results of the consultation and analysis of representations made to be duly considered prior to adoption of the SPD and the Head of Planning be authorised to make any necessary amendments.

166 Tees Valley Joint Minerals and Waste Development Plan documents - Local Development Framework

Cabinet considered a report that dealt with the preparation of Tees Valley Joint Minerals and Waste Development Plan Documents by the Joint Strategy Unit (JSU), on behalf of Darlington, Hartlepool, Middlesbrough, Redcar and

Cleveland and Stockton-on-Tees Borough Councils.

It was explained that the new Local Development Framework would include a number of development plan documents that formed part of the statutory development plan. Development plan documents (DPD) in unitary authorities should include minerals and waste policies, which may be prepared as separate minerals and waste development plan documents. One of the Government's key planning objectives was the preparation and delivery of planning strategies which helped implement the national waste strategy, and supporting targets, and were consistent with obligations required by European legislation.

Joint working on local development documents was particularly encouraged. Two or more local planning authorities may work jointly to prepare minerals and waste development plan documents. At the meeting of the Tees Valley Planning Managers in June 2004, the Joint Strategy Unit (JSU) was invited to prepare joint Minerals and Waste Development Plan Documents on behalf of the five Tees Valley authorities (Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees Borough Councils).

It was explained that the Minerals and Waste development plan documents would replace the minerals and waste policies in the adopted Tees Valley Structure Plan and it was proposed that they comprise:

 A Joint Minerals and Waste Core Strategy DPD, which will contain the overall strategy for the development of waste and minerals in the Tees Valley. The Core Strategy is required to be in general conformity with the emerging Regional Spatial Strategy for the North East

 A Joint Minerals and Waste Site Allocations and Development Policies DPD. This will identify specific sites for future development, and will contain detailed development plan policies for assessing minerals or waste planning applications in the Tees Valley. This will be in conformity with the Joint Minerals and Waste Core Strategy.

The Minerals and Waste development plan documents would be subject to a sustainability appraisal, and an Annual Monitoring Report would assess the success (or otherwise) of the strategy and policies.

It was proposed to adopt the joint working arrangements originally set up for the Tees Valley Structure Plan for the preparation of the Minerals and Waste development plan documents. The arrangements were proposed, as follows:

 The JSU would manage the project

 The JSU would prepare most of the documents in draft, to be considered by all of the respective authorities through the Development Plans Officers (as part of a Steering Group)

 Each authority would be kept informed at the key stage of preparation and would be given the opportunity to comment on draft documents

 Results of consultation would be reported back to the Tees Valley Joint Strategy Committee and to each local authority

 Final draft documents at each stage would be endorsed by each local authority before being considered by the Tees Valley Joint Strategy Committee

 Adoption of the development plan documents would be undertaken by each local authority, following presentation to the Tees Valley Joint Strategy Committee.

It was proposed to engage consultants to assist with the preparation of the Minerals and Waste development plan document. The role of the consultants would be to identify and assess individual sites (including Environmental Impact Assessments), to undertake the sustainability appraisal process and to provide expert opinion at the independent examinations.

It was estimated that the total costs involved in progressing the Minerals and Waste Core Strategy and Site Allocations development plan documents to adoption would be in the region of £165,650. This figure was only a guide until tenders were received.

The distribution of costs between the Boroughs was yet to be decided. However, if the costs were split based on a population pro-rata basis, Stockton's contribution would be in the order of £53,000. An alternative might be to distribute the costs between the Boroughs to reflect the number of sites in each authority, or to derive a "hybrid" costing system which combined the "population" basis with the "site" basis. The costs would be spread over the financial years 2006/07 to 2010/11.

Members noted some advantages of the Joint Strategy Unit preparing Tees Valley wide Minerals and Waste Development Plan Documents as follows:

- Economies of scale
- A joined-up approach to a sub-regional issue. Waste management involves many cross-boundary issues and plans are best prepared at a sub-regional level. The JSU is in the best position to prepare a joint plan covering the Tees Valley and has in-house experience
- Frees up Council staff to concentrate on the preparation of other development plan documents
- Allows the documents to be prepared early in order to meet the national waste management targets
- Will coordinate with the revised Waste Management Strategy, also being produced by the Joint Strategy Unit

Members noted the proposed timetable from the appointment of consultants to the adoption of the Plan

Once the joint approach was agreed by all the five Tees Valley Authorities, the JSU would begin the tendering process to appoint consultants to undertake the preparation of the two Development Plan Documents.

RECOMMENDED to Council that

1. the principle of the Joint Strategy Committee taking responsibility for the preparation of the Tees Valley Joint Minerals and Waste Development Plan Documents, on behalf of Stockton-on-Tees Borough Council, and the other four unitary Tees Valley Authorities, be endorsed.

2. the appointment of consultants to carry out this work be endorsed
3. the expenditure of about £60,000 over four years from the Local Plan budget be approved