

## **Cabinet**

A meeting of Cabinet was held on Thursday, 5th July, 2007.

**Present:** Cllr Lupton (Chairman), Cllr Mrs Beaumont, Cllr Cook, Cllr Cunningham, Cllr Laing, , Cllr Mrs McCoy, Cllr Nelson, Cllr Mrs Womphrey

**Officers:** J. Danks (R),A. Baxter, R. Kench (CESC), N. Schneider, J. Allport, M. Batty, S. Loneragan, J. Elliott (DNS); D. Bond, M. Henderson,(LD), J. Haworth (ACE) V. Rutland (PPC)H. Dean (PP) and J. Spittal

**Also in attendance:** Cllr Mrs Cains, Cllr Dixon, Cllr Fletcher, Mr S. Nicklin (Audit Commission)Mrs C. Andrew (Audit Commission)

**Apologies:**

### **CAB 9/07**

#### **Declarations of Interest**

Councillor Nelson declared a personal, non prejudicial interest in items 3,7,11,12 and 16 as he was a member of the Tristar Homes Limited Management Board.

Councillor Cunningham declared a personal prejudicial interest in item 16 entitled 'Financial Update Report'as his son was employed by Tees Music Alliance. Councillor Cunningham left the meeting and took no part in the consideration and voting on the item.

Cllr Mrs Cains declared an interst in item 16 entitled 'Financial Update Report' as she was a member of Redbrook School Governing Body.

### **CAB 10/07**

#### **AUDIT COMMISSION ANNUAL AUDIT & INSPECTION LETTER 2007**

Members were presented with the Audit Commission Annual Audit & Inspection Letter for 2006.

The Audit Commission was responsible for arranging for the audit of the accounts of the Council (either by private firms or through their own auditors). They were also responsible for undertaking an annual Comprehensive Performance Assessment and other service inspections.

A formal stage in this process was the production of the "Annual Audit & Inspection Letter", formerly, the Management Letter. The Annual Audit & Inspection Letter for 2006/07 had been received and was provides foer Members' consideration.

The Annual Audit Letter provided a comprehensive and independent assessment of the "health" of the Council. In line with previous practice, a copy of the Annual Audit Letter would be sent to all Members of the Council.

Members noted that the Council had been recognised by the Audit Commission as being amongst the best ten in the country 'the premier league of stellar performers' and had achieved four stars and was improving strongly, which was the highest assessment possible.

The Commission had, however, identified areas for further improvement:-

- User satisfaction with public transport
- Areas of the housing service
- A drop in satisfaction levels of users with how the Council keeps them informed of services and benefits.
- Equality standards

Members noted the areas for improvement identified but pointed out that, particularly with regard to satisfaction with public transport, the Council's influence was limited as transport was provided by private bus companies.

It was explained that there had been a decline in satisfaction levels with how the Council communicated with members of the public. This decline was apparent nationally and although this had affected Stockton, the Council remained in the top quartile of performance.

Members agreed that the letter was extremely positive and reflected the hard work undertaken by the Council. It was suggested that an appropriate press release should be prepared to reflect this achievement.

RESOLVED that the contents of the letter be noted and an appropriate press release be issued.

**CAB**  
**11/07**      **Minutes of Various Bodies**

Consideration was given to the minutes of the meetings of Stockton Renaissance Board and Area Partnership Boards.

RESOLVED that the minutes of the following Stockton Renaissance Boards and Area Partnership Boards, see appendix, be received/approved, as appropriate:-

- Stockton Renaissance Board - 13th February 2007
- Central Area Partnership Board – 22nd February 2007
- Stockton Renaissance - 13th March 2007
- Eastern Area Partnership Board – 27th March 2007
- Central Area Partnership - 29th March 2007
- Stockton Renaissance Partnership Board – 10th April 2007
- Stockton Renaissance Board – 15th May 2007.

**CAB**  
**12/07**      **Outside Bodies Appointments**

Consideration was given to a report on appointments to the North East Strategic Partnership for Asylum and Refugee Support (NESPARS), the North East Contracting Consortium for Asylum Support (NECCAS) and the Adult Protection Committee.

In accordance with the Constitution, the Cabinet was empowered to make appointments to bodies concerned with functions which were within the Cabinet's responsibility.

RESOLVED that

1. the Cabinet Member for Corporate and Social Inclusion be appointed to North

East Strategic Partnership for Asylum and Refugee Support (NESPARS), the North East Contracting Consortium for Asylum Support (NECCAS).

2. the Cabinet Member for Adult Services and Health be appointed to the Adult Protection Committee.

**CAB  
13/07**

### **Local Authority Nominations to School Governing Bodies**

Consideration was given to a report which outlined that as a result of the expiry of some Governors' Terms of Office and the Resignation of others, vacancies existed on the Governing Bodies as detailed in the Appendix to the report.

In accordance with the procedure for the appointment of school governors, approved as Minute 84 of the cabinet (11th May 2000), Cabinet was invited to consider the nominations to school Governing Bodies.

Members noted that two nominations had been received for one vacancy at All Saints CE VA School, Ingleby Barwick which would occur when a Governor's term of Office expired in September.

Both nominees were given the opportunity of speaking.

Cllr Cunningham was an existing Board Member and was seeking re appointment to the Board as his term of office expired in September. Councillor Cunningham explained that the school had been established under a Private Finance Initiative (PFI) and he had been on the Board from the beginning of the process. During this time he had gained a lot of experience with regard to the PFI and he felt, at this point in the process, it was important that the School Board maintained a continuity of membership for a further limited period.

Councillor Dixon was the local ward member for the school. He explained his commitment to the ward and Ingleby Barwick in general and felt it was appropriate and important that he served on the School Board.

Cabinet considered the representation from both nominees and agreed that Councillor Cunningham be appointed. Members noted Cllr Cunningham's comments relating to the importance of him continuing on the Board for a further limited period in order to complete some outstanding tasks.

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:-

All Saints CE VA School – Cllr Cunningham  
Myton Park Primary School – Cllr J Kirby  
Roseberry Primary School – Cllr J Dobson, Cllr S Scurfield, Mrs D Sidney  
St Francis of Assisi CE VA Primary School – Cllr Feldon

**CAB  
14/07**

### **Single Housing Investment Pot (SHIP)- Priorities for Funding 2008/9 to 2011/12**

Consideration was given a report which updated Members on the revised

process for bidding for Single Housing Investment Pot (SHIP) funding for the period 2008/9 to 2011/12 and identified the key objective areas and priority projects for which funding would be sought.

The Single Housing Investment Pot (SHIP) brought together previous funding streams allocated to local authorities and housing associations. SHIP was administered by the North East Housing Board (which was part of the North East Assembly). The role of the North East Housing Board (NEHB) was to make sure that housing policies blend better with other plans and strategies in the North East region. Its main work was to produce the Regional Housing Strategy, which advised Government ministers on where funding from the SHIP was best allocated.

The process of allocating resources via SHIP was first introduced for the period 2004/5 to 2005/6 (SHIP Round 1).

SHIP monies were critical to both LAs and Housing Associations in the region. For example capital resources previously allocated to LAs to assist the vulnerable in the private sector (including assistance to owner occupiers to improve property conditions and to assist the older and vulnerable via Disabled Facilities Grants) must be competitively 'bid' for against the 23 LAs in the region.

The process of allocating SHIP monies had changed significantly over recent years. For example in the previous rounds of SHIP 'safety net' allocations were maintained ensuring some consistency in funding for LAs. However this 'safety net' had incrementally reduced between SHIP rounds 1 to 3.

RESOLVED that:-

1. the revised guidance issued by the North East Housing Board for the allocation of SHIP resources for the three-year period 2008/9 to 2011/12 be noted.
2. the priority objectives and project proposals, that SHIP funding will be sought for the period 2008/09 to 2011/12 (Appendix A and B), be endorsed.
3. given the limited timescales between the North East Housing Board issuing guidance to the sub-regions on what should be in their detailed funding proposals (guidance anticipated early July 2007) and the deadline for the sub-regions to submit their sub-regional housing strategies and costed action plans, delegated authority be given to the Corporate Director of Development and Neighbourhood Services in consultation with the Cabinet Member for Housing and Community Safety to sign-off the finalised Sub-Regional Housing Strategy and costed Action Plan.
4. the anticipated financial implications of SHIP funding, as detailed within the body of the report, be acknowledged.

**CAB**      **First Annual Review of Neighbourhood Enforcement Service**  
**15/07**

Consideration was given to a report which provided feedback on the work of the Neighbourhood Enforcement Service in the 2006/07 year. The report detailed

the activities undertaken by the Service during the year.

The Council's Neighbourhood Enforcement Service (NES) was established in April 2006, replacing the former Community Warden Service across eight of the nine 'patches' covered by Community Wardens up until March 2006 (the exception being Ingleby Barwick, where the Community Warden Service was delivered by the Borough Council but funded by the Parish Council: the Parish Council subsequently decided to change to a Neighbourhood Enforcement Service, from April 2007).

The main changes in the service delivered were:-

(a) a much wider range of enforcement powers, with all officers accredited by the Chief Constable with a range of police powers, new Local Authority powers under the Clean Neighbourhoods & Environment Act 2005, and an agency agreement with the Driver & Vehicle Licensing Agency (DVLA), among others;

(b) a change from an approach based on 'report it' (i.e. where many issues were reported by Community Wardens for further action by other Council colleagues or partner agencies) to an approach based on 'sort it' (i.e. direct enforcement action taken by Neighbourhood Enforcement staff wherever possible);

(c) discontinuation of the 'patch based' approach in which Community Wardens patrolled a particular Ward or pair of Wards, and which covered about half of the Wards, to a more flexible Boroughwide coverage, while maintaining a focus on the more challenging parts of the Borough; and

a reduction to a smaller number of staff (from 32 to 22 – 16 Neighbourhood Enforcement Officers, four Seniors, and two Enforcement Support Officers) with higher skill levels.

Part of the context for this decision was the anticipated increase in numbers of Police Community Support Officers (PCSOs), who would fill the gap in terms of high visibility reassurance patrols. In the event, this increase had taken longer to come through than expected but as it was imminent, there would be a significant increase in uniformed presence across the Borough, as the number of PCSOs increases from 24 to 55 in 2007/08.

The twin aims of the new service were:-

(a) to tackle and reduce 'environmental crime' (including littering, fly tipping, fly posting, graffiti, dog fouling, etc.); and

(b) to reduce crime and disorder/improve community safety, with a particular focus on Anti-Social Behaviour (ASB) and deliberate fires

A summary of the funding of the service in 2007/08 was set out within the report.

The report concluded that the first year of the new service had been one of significant achievement and continuing service development. The Service provided the Council with its own capacity to respond to incidents and issues which might not be prioritised for Police response, including environmental

crime and problems reported direct by members of the public or via their Ward Councillors.

RESOLVED that:-

1. the funding position in respect of the Neighbourhood Enforcement Service be referred to Stockton Renaissance.
2. the funding position in respect of the Neighbourhood Enforcement Service be reviewed as an item within forthcoming reviews of the Council's Medium Term Financial Plan.
3. the intention to issue open-ended contracts to officers within the Neighbourhood Enforcement Service, in place of current fixed-term contracts to March 2008, be noted.

**CAB  
16/07 Major Housing Regeneration Schemes - Homeownership Toolkit:  
Relocation Equity Loans**

Cabinet considered a report that sought approval to provide financial assistance to homeowners in housing regeneration areas with repayable 'Relocation Equity Loans'

Members were reminded that that the Council provided a range of discretionary financial assistance schemes to homeowners required to relocate through housing regeneration schemes.

A recent review of the Private Sector Homeownership Assistance Scheme, which provided non-repayable grants of up to £15,000 to help bridge the gap between the value of the homeowners existing property. The findings of the review indicated that a move towards a scheme that would provide equity loans rather than grants would be appropriate.

Members were provided with outline details of a proposed Relocation Equity Loan Scheme. The scheme would involve the Council in providing a repayable equity loan to owner- occupiers, affected by a housing regeneration scheme, to bridge any gap in the purchase of another property. A summary of advantages and disadvantages of the proposal was provided.

It was explained that a detailed procedural guide was being compiled and a summarized version of the main criteria of the scheme was provided. It was suggested that the final version of the procedure be approved by the Director of Development and Neighbourhood Services in consultation with the Cabinet Members for Housing and Community Safety and Cabinet Member for Regeneration and Transport.

Members noted that it was envisaged that the proposed scheme would commence 1st October 2007 and the Council would administer it in house.

Cabinet were provide with information relating to affordability issues facing first time buyers within the Borough. In view of this it was recommended that once the housing regeneration schemes were completed the repaid loans be ring fenced to provide equity loans for first time buyers to help them get onto the

property ladder.

RESOLVED that:-

1. the introduction of Relocation Equity Loans be approved and approval of the final terms and conditions of the scheme be delegated to the Corporate Director of Development and Neighbourhood Services in consultation with the Cabinet Members for Housing & Community Safety and Cabinet Member for Regeneration and Transport.
2. when the Relocation Equity Loans are eventually repaid to the Council, the funding be ring fenced to provide further loans, in the first instance for other relocating homeowners and then first time buyers.

**CAB  
17/07**      **Preston Hall and Park Masterplan**

Members considered a report relating to the Masterplan for the development of Presto Park and Hall.

Cabinet was reminded that the Adults Leisure and Culture Select Committee had undertaken a review of the park and hall and produced a report that recommended the development of a Masterplan with emphasis on developing and making sense of the current incoherent visitor offer.

Following the Scrutiny Committee report in late 2006, Officers from Stockton Borough Council had been working with Cassella Stanger (now Bureau Veritas) to an achievable Masterplan for the Park and Hall.

It was explained that specific recommendations, as agreed through the Scrutiny Committee, had been worked up which included a Masterplan for the Development which incorporated much of the detail identified during the Scrutiny in its consultation about the park. In addition further consultation was ongoing with both users and non-users and tenants / residents to ensure the detail within the proposals was right.

Running parallel with the development of the Masterplan, officers were working up application for funding through both the Heritage Lottery Fund (HLF) and Big Lottery.

Subject to approval, it was proposed to continue to work up funding applications to HLF Main Programme stage 1 September 2007, and Big Lottery stage 1 March 08.

If successful in stages 1 & 2 of both schemes funds would be available from late 2009, with work commencing mid 2010.

Members noted that the detail within the Masterplan proposals did not radically change the park but did make better sense of the whole facility, taking into account under utilised areas and maximising synergy.

In addition, greater emphasis was placed upon the historic aspect of the facility and its links with the Railway, the river and the industrial heritage. Improved visitor signposting and access was proposed, as was a new visitor welcome

centre, which would act as a hub for the whole facility.

Members were provided with the main proposals of the Masterplan together with a plan showing their location:-

a) Access and egress for traffic using the park was to be addressed (1) by improving the entrance with the probable introduction of a roundabout on Yarm Road.

b) The introduction of a small visitor reception centre (2) providing information for visitors to the park facilities and events, it would also incorporate toilets and a café.

c) A reconfigured car park / coach park area with re established planting in both the existing car park and in the identified areas (4) and (5) subdividing the current open space to the front of the hall, but not preventing continuation of existing events. This would include improved drainage throughout which would help make more space available for usage. This combined effect of the reconfiguration of the car park and re establishment of the trees part way across the 'event field' would significantly alter the impression on arrival to the park, giving a glimpse of the hall in its parkland setting, rather than having a car park as the first thing you see.

d) The potential to re-establish the kitchen garden areas within the park (8) perhaps including a niche retail element specialising in traditional/rare plants, flowers and fruit.

e) To re-establish the views from the hall, particularly across the Tees toward Roseberry Topping (11), and to provide a general improvement to the woodland and other planted areas.

f) A new landing stage (12) and other features to encourage greater use of the river.

g) An extended Play Area (14) combining the existing type of facilities with new aerial walkways and 'tree house' structures.

h) Improved links across the river to provide access to both Thornaby and Ingleby Barwick linking the wider network of footpaths and cycleways. (15) A number of options were being considered for a crossing such as a fixed pedestrian bridge and or a ferry crossing facility.

i) Improved entrance signage and a general improvement to all footpaths and signage including interpretation to encourage greater use of the whole park.

j) Restricting vehicular access to the front of the Hall to wedding cars and emergency vehicles, diverting all service and staff traffic via the existing entrance at Preston lane.



k) Plans for the Hall itself would focus on improving use of space and flow through it, to allow more of the collection to be displayed in more interesting ways, and to significantly improve physical access.

l) Improved toilet and refreshment / catering facilities was essential, these would also increase the quality of the venue for weddings and conferences.

m) A new consolidated accessible museum store (10) as part of the redevelopment of the workshops to the end of the Period Street, to allow items of the collection not currently displayed to be accessed by the general public.

RESOLVED that the Masterplan proposals for Preston Park and Hall be approved, as the basis for substantial capital grant applications.

**CAB  
18/07      Core Strategy Development Plan Document Preferred Options Local  
Development Framework**

Cabinet was asked to consider and approve the Core Strategy Development Plan Document Preferred Options for public consultation.

Members noted that the Core Strategy was a strategic document that set out the vision and spatial strategy for meeting the known and anticipated development requirements to 2021. It included a key diagram which showed broad locations (not specific sites) of development to meet specific requirements and also included a limited suite of generic criteria based development management policies. A Monitoring Framework and Implementation Plan were also requirements.

In developing the Preferred Options for the Core Strategy, a wide consultation exercise had been ongoing, including a public consultation exercise in May/June 2006 and internal meetings during the early part of 2007.

Cabinet was provided with a draft Preferred Options Paper for the Core Strategy. This gave a brief overview of Stockton Borough, identified drivers for change, suggested a vision and strategic objectives for the area, and set out the beginnings of policy development which would guide the Council in implementing key strategies, both Council strategies such as the Sustainable Community Strategy and wider Tees Valley initiatives such as the Stockton Middlesbrough Initiative.

The Core Strategy DPD Preferred Options supported the Council's drive for regeneration of the Borough, in putting forward a strategy which would increasingly concentrate housing development in the core urban area, giving priority to previously developed land. The provision of employment land would follow this pattern, but recognised the importance of existing industrial estates, specialist clusters such as the chemical industries, and prestige employment sites. Emphasis was placed on sustainability and accessibility, in line with national and regional policy guidance. Improvements to the transport network, and the creation of an integrated public transport system were fundamental in achieving the council's spatial vision and objectives.

In seeking to achieve the spatial vision and objectives, the Core Strategy Preferred options sets out the direction for eleven key policies. These were:

- Core Strategy Policy 1 Spatial Strategy
- Core Strategy Policy 2 Transport
- Core Strategy Policy 3 Sustainable Living
- Core Strategy Policy 4 Economic Regeneration
- Core Strategy Policy 5 Retail and Other Town Centre Uses
- Core Strategy Policy 6 Community Facilities
- Core Strategy Policy 7 Housing
- Core Strategy Policy 8 Provision for Gypsies and Travellers
- Core Strategy Policy 9 Protection and Enhancement of the Urban Environment
- Core Strategy Policy 10 Protection and Enhancement of the Rural Environment
- Core Strategy Policy 11 Minerals and Waste.

The Core Strategy had been tested against, and informed by, sustainability objectives as set out in the Sustainability Appraisal which accompanied the Strategy.

In preparing the Core Strategy DPD Preferred Options, the Local Development Framework Member Steering Group had been kept informed of progress and invited to comment on emerging documents. At the Member Steering Group held on the 12 June, subject to a few minor amendments which had been incorporated, the Group agreed that the Core Strategy DPD Preferred Options be referred to Cabinet and Council.

It was explained that the Core Strategy was scheduled in the Local Development Scheme to go out for public consultation in September/October 2007. This would be a six-week statutory period as set out in the Town and Country Planning (Local Development) (England) Regulations 2004. Once agreed by Council, prior to the start of the formal consultation period, it was intended to run some workshop sessions with the Area Partnership Boards, Themed Groups and Parish Councils to raise awareness and understanding of the document and processes.

Feedback from the consultation process would be fed into the next stages, leading to adoption and publication viz:-

- Preparation of the Submission Draft of the Core Strategy DPD
- Submission to the Secretary of State (May 2008)
- Consultation on the Submission Draft (May/June 2008)
- Examination of the submitted Core Strategy (November 2008)
- Receipt of Inspector's binding report (May 2009)
- Adoption and Publication (July 2009).

Members discussed the Preferred Options and accompanying sustainability document and agreed them for public consultation.

RECOMMENDED to Council that:-

1. the contents of the report be noted.

2. the Core Strategy DPD Preferred Options be approved for for public consultation.

3. authority be delegated to Officers, in consultation with the LDF Member Steering Group, to make any necessary minor amendments to the contents of the document prior to the public consultation period.

**CAB 19/07      Regeneration Development Plan Document (DPD) Issues and Options  
Local Development Framework**

Cabinet was asked to consider and approve the Regeneration Development Plan Document Issues and Options for public consultation.

Members noted that the Regeneration DPD would set out site allocations for housing, employment, mixed-use etc. These had to be consistent with the Council's vision and spatial strategy which would be set out in the Core Strategy DPD.

In developing the Issues and Options for the Regeneration DPD, the Spatial Planning service had engaged widely both within the Council and with the Local Strategic Partnership.

Members were provided with a draft Issues and Options Paper for the Regeneration DPD. The introductory section gave a brief overview of Stockton Borough, identified drivers for change, set out the broader policy context for the preparation of the Regeneration DPD e.g. the emerging Regional Spatial Strategy for the north east and the Stockton Middlesbrough Initiative etc and gave a brief overview of the new Local Development Framework spatial planning system. The document then set out a series of issues and, where appropriate, options linked to them. These were organized under the same headings as the policies in the Core Strategy Preferred Options e.g. Spatial Strategy, Transport etc so as to make explicit the intended synthesis between the Core Strategy and Regeneration DPDs.

The key driver for the Regeneration DPD was site allocations but this was not purely confined to land allocations per se but also extended to such issues as whether to extend development limits and, in keeping with the broader holistic approach that was now at the heart of planning, engaged with areas such as health and education provision.

The Issues and Options paper also includes appendices setting out:

- i) Land that had been submitted to the Council for consideration as extensions to the limits to development
- ii) Land that had been submitted to the Council for consideration as allocations e.g. for housing, employment etc.

The Council had not made any of the representations (except the land submitted for a consideration as a cemetery at Durham Road, Stockton). Land being submitted for the Council's consideration did not mean that it was part of one of the Council's corporate strategies, or that it would perform well against the criteria for site selection set out in the relevant national guidance.

The Scoping Report, which was also provided to Members, for the Sustainability Appraisal of the Regeneration DPD would be consulted on in parallel with the Regeneration DPD Issues and Options paper. The purpose of the Scoping Report was to document the initial stages of the Sustainability Appraisal process. It contained a listing of other relevant plans and programmes, baseline information, key sustainability issues and a set of sustainability objectives, indicators and targets which would be used to test the Preferred Options and inform the development of them.

The Regeneration DPD was scheduled in the Local Development Scheme to go out for public consultation in September/October this year and would be a six-week period.

Feedback from the consultation process would be fed into the next stages, which were as follows:

- Preparation of the Preferred Options of the Regeneration DPD (May/June 2008)
- Preparation of the Submission Draft of the Regeneration DPD (July to Dec 2008))
- Submission to the Secretary of State (Jan 2009)
- Consultation on the Submission Draft (Jan/Feb 2009)
- Examination of the submitted Regeneration DPD (August 2009)
- Receipt of Inspector's binding report (Feb 2010)
- Adoption and Publication (April 2010).

RECOMMENDED to Council that:-

1. the contents of the report be noted.
2. the Regeneration DPD Issues and Options be approved for public consultation.
3. authority be delegated to Officers, in consultation with the LDF Member Steering Group, to make any necessary minor amendments to the contents of the document prior to the public consultation period.

**CAB  
20/07**      **Local Development Framework: Yarm and Eaglescliffe Area Action Plan Issues and Options Paper and Sustainability Appraisal Scoping Document.**

Cabinet considered a report that sought approval of the Yarm and Eaglescliffe Area Action Plan Issues and Options Development Plan Document for public consultation

Members noted there were pressures in the Yarm and Eaglescliffe area that were being addressed by a range of organisations including the Council, Town Council and Government Agencies, and within those organisations there were numerous departments dealing with different projects. It was intended that the Y&EAAP would coordinate the various plans and strategies to assist in their delivery. In addition, the Y&EAAP might also identify other issues such as development opportunities, highway improvement opportunities or policy gaps.

The Local Development Scheme described the Y&EAAP as:

“The preparation of an Area Action Plans to address the key pressures / development opportunities within Yarm and Eaglescliffe would include a series of co-ordinated proposals for traffic management and parking, future redevelopment opportunities and planning obligations.”

A number of key issues had emerged from consultation with officers and discussions with local residents and Town and Parish Councillors that could be addressed through the DPD. These were:

- Major schemes in the pipeline
- Tourism and visitor facilities
- Maintaining and enhancing the residential areas
- Strengthening Yarm’s role as a commercial centre
- Protection of the historic areas
- Traffic and parking
- Green spaces
- Potential development sites

Within these key themes, the Issues and Options consultation paper asked probing questions to generate discussion and ideas for solutions. It also allowed for proposals for other issues and possible development options.

A pre-consultation event with key stakeholders was held on 22nd May 2007. Those invited included representatives from EPAG, Yarm Residents Group, Town and Parish Councillors and Ward Councillors. The comments made at the meeting had been incorporated into the Issues and Options paper, where possible.

A copy of the paper was provided to Members.

The Y&EAAP formed part of the Local Development Framework. As a Development Plan Document (DPD), it carried weight as a Policy document. Action Area Plans (AAP) had a broader scope than other DPDs in that, in addition to policy, they could include additional detail normally reserved for Supplementary Planning Documents.

It was noted that the AAP should not repeat existing Local Development Framework policy and advice documents (including National guidance in the form of PPG and PPS), nor should it conflict with any of those policies or guidance. However, it could develop further, any existing policies or guidance, or introduce additional policies or guidance at a more local level. The AAP could also allocate sites for development or identify sites to be protected from development and include management plans for existing sites or areas.

The Y&EAAP could be map-based with defined boundaries. It could not be conceptual or take a general approach and should be specific to the area or a site. The Local Development Scheme stated that the AAP covered the built up area of Yarm and Eaglescliffe (which also included Egglecliffe and Preston).

The basic milestones for preparation and Adoption were provided to Members which would culminate in the adoption of the Plan by March 2010.

Members were informed that following the Issues and Options paper, Preferred Options would be developed, which took into account the comments from this consultation. Further consultation would take place, and if there were objections an independent Inquiry would be held to consider the objections. The findings of that Inquiry would be binding on the Council. If there were no objections and therefore no Inquiry, the DPD could be adopted immediately.

RECOMMENDED to Council that:-

1. the contents of the report be noted.
2. the Yarm and Eaglescliffe Area Action Plan Issues and Options DPD be approved for public consultation,
3. authority be delegated to officers, in consultation with the LDF Member Steering Group, to make any necessary minor amendments prior to the publication of the document for public consultation.

**CAB 21/07 The Health Act 2006 - Amendments to Scheme of Delegation in relation to Enforcement of Smokefree Legislation**

Cabinet considered a report relating to the implementation of the Smokefree legislation under the Health act 2006.

Members were reminded that on 1st July 2007 all enclosed public places and workplaces became Smokefree on the implementation of the Health Act 2006 and associated Smokefree regulations.

Responsibility for enforcement of the legislation fell on Local Authorities. In Stockton this role would be carried out by Officers already involved in enforcement duties in Development and Neighbourhood Services.

Officers from Environmental Health, Trading Standards, Licensing and the Enforcement Team needed to be Authorised to have power of entry, issue fixed penalty notices and take enforcement action.

Revisions to Part 3 of the Constitution: Responsibility for Functions - Scheme of Delegation was required by the authority in implementing the Health Act 2006. Four powers were identified as functions relating to smoke free premises in The Local Authorities (Functions and Responsibilities) (England) (Amendment) (No. 2) Regulations 2007.

Details of these powers were provided and would be delegated to the Director of Development and Neighbourhood Services.

RECOMMENDED to Council that

1. the report and implications be noted.
2. the necessary changes to the Scheme of delegation be approved.

**CAB  
22/07**

## **A Revised Model Code of Conduct for Local Authority Members**

Cabinet considered a report providing details of the new model code of conduct for members and asking Cabinet to consider recommending adoption of the Code to Council.

Members noted that the Secretary of State for Communities and Local Government made a new Local Authorities (Model Code of Conduct) Order 2007 on 2 April 2007. The Order came into force on 3 May 2007 and a copy of the Order was provided for Members consideration.

Cabinet were provided with a brief overview of the main features of the new model code.

In addition Members considered guidance on the model code produced by the Standards Board for England. This included a separate pocket guide and a briefing on the main changes, which the new Code had introduced.

It was explained that the Council's Standards Committee had considered the model code of conduct on 26 April 2007 and made the following recommendations to Council:-

1. at the earliest opportunity, and with immediate effect the Council adopts the code of conduct for members prescribed in the Local Authorities (Model Code of Conduct) Order 2007 ("the 2007 Order"), in its entirety, in place of the Council's existing code of conduct for members together with the general principles of conduct as an unenforceable preamble;
2. a copy of the adopted code of conduct be provided to every member of the Council;
3. all Town/Parish Councils be advised to adopt as soon as reasonably possible, the code of conduct for members prescribed in the 2007 Order, but excluding those provisions which are not mandatory for parish council, save for paragraph 12(2) (in part), in place of their existing codes of conduct for members; and that
4. As soon as practicable, training for the Council's Members and for Town/Parish Council members is provided, and that such training (with the agreement of their Councils insofar as Town/Parish Council members are concerned) is compulsory, with its take-up by each member being monitored and reported on by the Committee; and

Taking this into account, a suggested form of new code of conduct for the Council was provided and considered.

Cabinet noted that the Members Advisory Panel and Audit Committee had considered reports on the new model code, which included the above recommendations of the Standards Committee.

The Members' Advisory Panel supported recommendations 1 – 3 of the

Standards Committee, but considered that in relation to recommendation 4 there should be a strong recommendation to Members to take advantage of training on the new code, rather than treating such training as compulsory. The panel considered that this would be sufficient to emphasize that training on the new code was extremely important and that Members should undertake it. Cabinet supported this view and agreed alternative wording to recommendation 4.

RECOMMENDED to Council that:-

1. at the earliest opportunity, and with immediate effect the Council adopts the code of conduct for members prescribed in the Local Authorities (Model Code of Conduct) Order 2007 ("the 2007 Order"), in its entirety, in place of the Council's existing code of conduct for members, together with the general principles of conduct as an unenforceable preamble;
2. a copy of the adopted code of conduct be provided to every member of the Council;
3. all Town/Parish Councils be advised to adopt as soon as reasonably possible, the code of conduct for members prescribed in the 2007 Order, but excluding those provisions which are not mandatory for parish councils, save for paragraph 12(2) (in part), in place of their existing codes of conduct for members; and that
4. as soon as reasonably practicable, training on the code of conduct be provided for the Council's Members and for Town/Parish Council Members, including co-optees, and that it is strongly recommended to all Members that they take full advantage of such training, with the take-up of the training being reported to and monitored by the Council's Standards Committee.

**CAB**  
**23/07**      **Financial Update Report**

Cabinet considered a report that provided information on final outturn, the medium financial position, and highlighted developments in Local Government Finance which might impact on the 2008/2009 Revenue Support Grant settlement and the Treasury Management Annual Report.

It was explained that the Statement of Accounts for 2006/2007 had been approved by Audit Committee on 28 June 2006, in line with the approval timescales detailed in the Accounts and Audit Regulations 2003. A full copy of the Statement of Accounts and a Summary Statement were available in the Members library and on the Council's website for information.

Member noted that the results for 2006/07 were structured around three "ring-fenced" financial areas:

- a. General Fund
- b. Housing Revenue Account
- c. Capital

The final position on the service element of the General Fund was provided and it could be seen that the Council would be carrying forward a Managed Surplus



of £4.844m into 2007/08 compared to £3.477m Managed Surplus reported in February 2007. Members noted a table detailing the 2006/2007 Outturn position and were provided with key movements since the last reported position.

It was explained that, at outturn, balances in the general fund were at £13.2m (5.8% of the General Fund). At the time of setting the 2007/08 budget, £4.017 million of the working capital was utilised, leaving corporate working balances at £9.2 million (equivalent to 3.8% of the Council's 2007/08 Net Budget Requirement).

Members noted however that there were a number of potentially significant pressures and opportunities facing the Council from a service delivery and improvement perspective viz:-

Various regeneration schemes, including SMI;

Rising Energy Costs;

Single Status (reserve being held)

Building Schools for the Future;

Integrated Children and Adult Services.

It was recommended that in order to manage the Council's finances on a prudent basis, at this stage balances are retained at the current level until some of the above issues become clearer. It was suggested that this be reviewed on a quarterly basis as part of the updates on the Medium Term Financial Plan.

It was explained that the Council had created 5 new earmarked reserves at the year end to fund specific pressures arising within service areas. The reserves include 3 within Development and Neighbourhood Services including Kerbside Recycling (£200,000), the inspection of Cemetery Memorials (£150,000) and Weather Maintenance (£130,000). New reserves within Children, Education and Social Care had been formed to fund costs within the Youth Offending Service (£228,000) and the carry forward of ring-fenced Dedicated Schools Grant (£347,000).

With regard to the Housing Revenue Account the final position was £1.397 million, which was a slight improvement on the position reported in February and was within agreed limits for the third successive year. Officers were working with representatives from Tristar Homes Limited to maintain reserves at the 3% limit.

Members noted the Capital outturn position for 2006/07, including the variance from the approved budget.

It was explained that the variance included additional expenditure funded from specific capital grants and earmarked capital receipts of £3,025,000, slippage of (£2,445,000) and a re-profiling of the use of ring-fenced resources £424,000. Details of the major reasons for movement were provided.

Members were informed of proposals to sell Cottages 1 & 2 Theatre Yard, and

a small area of Wasps Nest Yard, to a private developer (JOMAST) as part of a scheme to improve the two Yards. This scheme would create a new restaurant and flats, which would enhance the open space and improve the night time economy of the Cultural Quarter and the town.

It was explained that the Cottage sale and conversion scheme necessitated accommodation works to replace the existing Theatre fire exit, toilets, and green room. The accommodation works were being carried out by JOMAST and would increase the Georgian Theatre safe/licensable capacity. However, a range of other refurbishment works to the theatre were essential or desirable, including replacement of the heating system, improved security and access, and improved exterior door and window appearance. Tees Music Alliance, the not-for-profit company managing the Georgian Theatre and Green Dragon Studios, had attracted £95,000 from Arts Council England and Northern Rock Foundation towards the capital works and required a matching sum of £50,000 to draw down the grants and contract the package of works. As the scheme would not progress without the investment of Council resources, it was recommended that the £60,000 receipt from the sale of the Cottages, less fees, be allocated to help fund the improvement works to the Georgian Theatre.

Members were provided with details of current issues that would impact on future financial settlements.

Members were also provided with the Treasury Management Annual Report 2006/2007.

RECOMMENDED TO council that

1. the revised MTFP be noted.
2. the Capital slippage of (£2,445,000), additional expenditure of £3,025,000 and a re-profiling of ring-fenced resources £424,000 be approved.
3. Members note the issues for the 2008/09 Finance Settlement.
4. the level of working balances be retained at £9.2 million, given the potential changes emanating from the reviews in local Government Finance and the potential pressures facing the Council.
5. the Members approve the creation of the specific reserves including Dedicated School Grant (£347,000), Kerbside Recycling (£200,000), Youth Offending Service (£228,000), Cemeteries (£150,000) and Weather Maintenance (£130,000).
6. the Members approve the utilisation of the £60,000 capital receipt, less fees, from the sale of 2 Cottages in the Theatre Yard and a small part of Wasps Nest Yard to part fund refurbishment works to the Georgian Theatre.
7. the Treasury Management Annual Report for 2006/07 be approved.

**CAB  
24/07**

#### **Performance Report - Year Ended 2006/07**

Members were provided with a report, for information, detailing performance to

the end of 2006/2007.