

Cabinet

A meeting of Cabinet was held on Thursday, 5th August, 2010.

Present: Cllr Ken Lupton(Chairman), Cllr Jim Beall, Cllr Mrs Jennie Beaumont, Cllr David Coleman, Cllr Steve Nelson and Cllr Mrs Mary Womphrey

Officers: J. Danks, J. Spittle, A. Kelly (R); P. Dobson, R. Poundford, R. McGuckin, R. Young, J. Dixon, P. Diggins (DNS); T. Beckwith (CESC)and M. Henderson (LD)

Also in attendance: Cllr David Harrington, Cllr Mick Eddy and Cllr Julia Cherrett

Apologies: Cllr Robert Cook, Cllr Terry Laing and Cllr Mrs Ann McCoy,

CAB Declarations of Interest

44/10

Councillor Nelson declared a personal interest in the item entitled Economic Climate Update as he served on Stockton and District advice and Information Service Board.

Councillor Beall declared a personal interest in the item entitled Local Government Pension Scheme – Employers Discretion as he was in receipt of a pension under the scheme and his wife was a contributing member to the scheme.

Councillor Lupton declared a personal interest in the item entitled Local Government Pension Scheme – Employers Discretion as he was in receipt of a pension under the scheme.

Councillor Coleman declared a personal interest in the item entitled Local Government Pension Scheme – Employers Discretion as he contributed to the scheme as a Councillor.

Councillor Nelson declared a personal interest in the item entitled Local Government Pension Scheme – Employers Discretion as he was a contributing member of the scheme, as an employee of Middlesbrough Borough Council.

CAB Minutes of the Meetings held on 20th May, 10th June and 8th July 2010

45/10

The minutes of the meetings held on 20 May, 10 June and 8 July 2010 were signed by the Chairman.

CAB Interim Report from Children and Young People Select Committee - Youth Services Review - Myplace

46/10

Consideration was given to a report that presented interim comments from the Children and Young People Select Committee on Myplace in advance of the Committee reporting to Cabinet in December on the outcome of the Youth Services Review.

It was explained that in March 2009, the Council had been successful in a bid to the DCSF for Myplace funding to build an iconic £5 million youth facility on a site off Norton Road. The building was to provide the central hub for the delivery of a wide range of facilities for young people aged 11 – 19 years to access services

and activities to enhance their personal, educational and social development seven days a week. The funding to be received was for the capital costs for the project only. Previous Cabinet decisions had confirmed that the revenue costs of approximately £277,000 would need to be identified from within existing Youth Service budgets. The co-location of the new North Shore Health Academy was linked to further opportunities for young people and the sustainability of Myplace.

Alongside the Myplace project, the Children and Young People Select Committee commenced a review of Youth Services in December 2009. The review was focusing on the universal youth services which were delivered primarily through the Council's 24 Youth Clubs. In reviewing youth services, the Committee had needed to have regard to the development of Myplace alongside other youth provision. It was noted that the Select Committee was scheduled to report on the outcome of its review and present recommendations to Cabinet in December 2010.

Whilst the Committee had not completed its review, a number of concerns had emerged regarding the Myplace project:

- As part of review Councillors had undertaken site visits to all of the Council's Youth Clubs. During the visits young people attending local clubs had commented that they would want to see the continuation of local provision and Members of the Committee were concerned that the annual revenue contribution of £277,000 for the Myplace development might be to the detriment of such provision.
- Initial feedback from the voluntary and community sector had also revealed that there were concerns that the project would result in cuts in the youth service elsewhere, it was not what young people want, the location was a concern, travel was an issue and some young people were very territorial and might not travel to the venue.
- At the meeting of the Children and Young People Select Committee on 14 July 2010, the Committee was also advised that the plans to develop the site for the new North Shore Health Academy under BSF were to be reviewed. The Committee felt that this recent development meant that the Myplace project on the proposed site was no longer a viable option owing to the timing of the contract for letting Myplace, uncertainty around the academy scheme, shared infrastructure issues between the academy and Myplace and loss of linkages for young people between the academy and Myplace.

Given the other concerns already vocalized and financial pressures, the Committee recommend to Cabinet that, in the light of uncertainties around the future of the North Shore Health Academy and the pressure on youth service provision, the Council writes to the Department for Education and the Big Lottery asking whether the capital funding for Myplace could be used more flexibly to develop services and facilities for young people across the Borough.

It was confirmed that approval of the Select Committee's recommendation would solely allow the question, as detailed, to be asked of the Department for Education and the Big Lottery. Specific decisions on how such capital funding would be flexibly used, should a positive answer to the question be received,

would be taken in the future and recommendations for such expenditure may come from the Select Committee's Review of Youth Services.

Members referred to the lack of youth provision in the North of the Borough. It was noted that the Select Committee was attempting to identify areas where gaps existed and identify any initiatives to fill those gaps.

RESOLVED that in the light of uncertainties around the future of the North Shore Health Academy and the pressure on youth service provision, the Council writes to the Department for Education and the Big Lottery asking whether the capital funding for myplace can be used more flexibly to develop services and facilities for young people across the Borough.

**CAB
47/10** **LA Nominations**

In accordance with the procedure for the appointment of school governors, approved at Minute 84 of the Cabinet (11th May 2000), Cabinet were requested to approve the nominations to school Governing Bodies as detailed within the report.

RESOLVED that appointments be made to the vacant Governorships subject to successful List 99 check and Personal Disclosure, as follows:-

Ash Tree School – Cllr Mrs A. McCoy
Barley Fields Primary School – Tony Christie
Grangefield School – Mr P. Beach
Ingleby Mill Primary School – Mr. S. Watson
Myton Park Primary School – Cllr J. Kirby

**CAB
48/10** **Economic Climate Update Report**

Cabinet considered a monthly update report providing members with an overview of the current economic climate, outlining the effects that this was having on Stockton Borough, and the mitigations already in place and those being developed.

Positive trends in employment and business detailed in the report included

- PD Ports had announced plans to expand its container handling facility. Once complete it would create 50 new jobs directly in the terminal and a further 200 to support the supply chain.
- Air products had announced plans for a multi-million pound renewable energy plant, which could create up to 700 jobs during construction. The scheme was proposed at the Reclamation Pond site near Billingham.
- Maple Residential Care Home in Stockton, was currently under construction and was incorporating a number of sustainable environmental features, which would make it one of the most eco-friendly buildings, of its type in the North of England. The building was set to open in Autumn 2010, creating up to 50 jobs.

- PC World & Currys had merged two stores at Teesside Retail Park, Stockton, into a new Megastore, creating 25 new jobs.

Members also noted negative trends

- a consortium of interested buyers for Teesside Cast Products had terminated discussions with Corus to purchase the site.

o Fancy dress retailer, Scallamooch, situated on Stockton High Street, had ceased trading.

Cabinet also received general economic indicators and statistics and noted some of the initiatives the Council was involved in to improve the local economy.

Members noted that Stockton Borough Council had been selected as the Regional Winner of the Enterprising Britain competition, thanks to its 'can do' attitude, particularly its commitment to encouraging young people in schools and from all backgrounds to consider self-employment as a viable career option for the future. The Borough was one of only four locations in the North East to be selected in the regional competition, and would go through to the National Final, with the winner being announced in October. Members congratulated the officers involved in this and recognised the significant amount of work involved.

RESOLVED that the content of the report be noted and the work being undertaken supported.

**CAB
49/10** **Street Lighting Policy**

Consideration was given to a report that presented Cabinet with a new street lighting policy, which included requirements for the provision, installation and maintenance of all types of external public lighting. It also aligned the Council's street lighting service with its corporate objectives to reduce energy consumption and associated CO2 emissions.

The Council had no formally approved street lighting policy. Lighting systems had been implemented on the basis of custom and practice, developed over a number of years and in accordance with the legislative framework and British Standards for the design of lighting for roads and public amenity areas.

It was explained that to ensure that the Council met its requirements under the terms of the Highways Act 1980 (constructing and maintaining such lamps, columns and posts and other essential works) and its obligations resulting from the Crime and Disorder Act, each request for the provision of lighting and the adoption of potential lighting, including those to be funded by others, was to be considered on its merits. This would include both Council funded installations and, also, lighting constructed to adoptable standards by private developers covered by Section 38 and 278 Agreements of the Highways Act 1980.

The new policy included the following key components.

- Lighting provision;

- Dimming of street lighting
- Selection of lighting levels;
- Passively safe lighting (lighting susceptible to RTA impact/damage)
- Energy and CO2 emissions;
- Maintenance;
- Seasonal lighting
- Private or off highway lighting.
- Public Art and Cultural Lighting
- Consultation and Community Engagement

The key fundamental changes to the practices were related to dimming, part night lighting and the use of passively safe columns, such that:

- Dimming would be introduced on street lighting units to enable the Council to meet its corporate targets for the reduction of CO2 and energy consumption.
- Generally, street lighting levels would be reduced from 12 midnight to 5/6am subject to suitability for implementation by assessment
- New technology allowed the Council to control and monitor street lighting at the office from a central management system (CMS). This allowed the Street Lighting Team to switch on and off street lights, monitor faults and dim up or down based upon need.
- The successful implementation of the CMS would mean that the Council may not be required in the future to patrol street lights to locate faults as they could be centrally managed.

Cabinet noted some positive outcomes of the policy:-

- Establishment of Environmental Zones and compliance with the current standards would ensure a consistent framework for installation, reduce obtrusive light and contribute to energy and CO2 reduction commitments.
- Installation of passively safe lighting through assessing risk would reduce the consequences of collisions.
- Introduction of Borough-wide Central Management Systems would enable greater control of lighting levels and reduce CO2.
- Dimming of street lighting would make a major contribution to the Council energy and Carbon reduction commitment.
- There would be greater control of seasonal attachments and off-highway lighting.
- Improvements in communication and consultation and the evaluation of customer satisfaction levels would contribute toward service improvements.

RESOLVED that Cabinet approve and adopt the Street Lighting Policy.

Consideration was given to the minutes of the meetings of various bodies.

RESOLVED that the minutes of the following meetings be received/approved, as appropriate:-

Tees Valley Living Board – 25 March 2010

Children's Trust Board – 30 March 2010

Central Area Partnership Board – 29 April 2010

Renaissance Board – 12 May 2010

Economic Regeneration and Transport Partnership – 12 May 2010

Stockton on Tees Local Safeguarding Children Board – 20 May 2010

Central Area Partnership Board – 24 June 2010

CAB 51/10 Yarm & Eaglescliffe Area Action Plan, Review of Limits to Development and Green Wedge, and Character Areas

The Committee considered a report that dealt with a number of Local Development Framework topics/projects:

- Yarm and Eaglescliffe Area Action Plan (YEAAP)
- Review of the Limits to Development and Green Wedge
- Character Areas

Members were reminded that the Local Development Scheme (LDS) adopted in March 2009 detailed the purpose of the YEAAP as a document which would '...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.'

As the YEAAP had progressed it had become much more focused upon the historic built environment. With PPS12: 'Local Spatial Planning' identifying that in areas of conservation, area action plans should do two things:

- define areas where specific conservation measures are proposed and areas which will be subject to specific controls over development,
- set out the policies and proposals for action to preserve or enhance the area.

In the process of taking the YEAAP towards the Preferred Options stage and producing a draft Preferred Options report it became apparent that:

- there was no significant change scheduled within the area,
- the document had limited scope (relatively few deliverable actions identified),
- there were few identified actions to preserve or enhance the historic built environment,
- many of the proposed policies contained within the draft document were not specific to Yarm and Eaglescliffe and would be repeated within other DPDs.

In addition to the above there would also be major cost implications for producing a separate document. Those costs included officer time, printing, consultation and independent examination by a planning inspector.

It was explained that, given the above, the Local Development Framework Members' Steering Group had agreed to recommend that the YEAAP not proceed and be incorporated into the Regeneration and Environment Development Plan Documents (DPD).

Members noted that it was proposed that the Regeneration DPD would include policies concerning the 'limits to development' and 'green wedge'. In order for those policies to be robust they had to be reviewed and updated to reflect the changes made to the landscape since the last review of the policies, as part of the Local Plan, in the mid-1990s. Following responses made to the Regeneration DPD Issues and Options Report each settlement in the Stockton conurbation had received its own limits to development.

It was intended that the revised limits of development and green wedges would be consulted upon as part of the Regeneration DPD Preferred Options Report. A technical paper containing the methodology, mapping and justification for reviewing those policy boundaries would support the Regeneration DPD Preferred Options as an evidence base document. Members were provided with access to the technical paper together with a series of overview maps detailing the Local Plan and the Regeneration DPD preferred options boundaries for the limits to development and green wedge.

Cabinet was aware that there were a number of areas within the Borough that had a distinctive character and sense of place. However, many areas within the Borough had been under pressure from development in recent years. The Council recognised that if a considered approach was not adopted then development could contribute to the loss of character or distinctiveness of an area. This might also lead to the disruption of the development pattern and result in the loss of trees and hedges.

Areas considered as having special character would be designated within the Regeneration DPD and be supported by policy to offer these areas protection from inappropriate development. A technical paper containing the methodology for selecting character areas and their individual assessments had been completed and Members had been provided with a copy.

It was intended that the proposed character areas would be consulted upon as part of the Regeneration DPD Preferred Options Report. The technical paper would be consulted upon as part of the preferred options.

During consideration reference was made to a stretch of Durham Road, Stockton, which, following assessment, had not been included as a character area. It was explained that the stretch in question was an established area, with the majority of houses being pre war, and it was suggested that it did have a distinctive character and sense of place. Officers had assessed the area and concluded that whilst there was a distinct character, development had eroded it significantly over a number of years. However, as the study would be used to inform a consultation document, it was agreed that Durham Road could be included to gauge the public's views and it was agreed that that part of Durham Road, Stockton be included in the Regeneration DPD preferred options, for consultation.

RECOMMENDED to Council that:-

1. the content of the evidence base documents, relating to the limits to development and green wedge, and character areas, be endorsed for consultation as part of the Regeneration DPD Preferred Options, subject to the inclusion of Durham Road in line with discussion detailed above.

2. the production of a separate Yarm and Eaglescliffe Area Action Plan should not proceed and the policies proposed for the Plan be incorporated into the Regeneration and Environment DPDs.

**CAB
52/10 Stockton Central Area Update**

Consideration was given to a report that provided an update on the progress to date with regard to the regeneration of Stockton Central Area.

It was explained that since the last Cabinet update on the Stockton Central Area significant changes to public sector capital funding had been experienced. The implications of those changes had had a knock on effect for the projects still to be delivered in Stockton Central Area. Clearly, there needed to be an evaluation and assessment of established priorities given this new financial context; the expenditure already incurred in project preparation; and the likely future delivery framework.

In December 2009, an investment strategy for Stockton Central Area was produced and this had assisted in shaping priorities for investment and new areas for development across the central area. Members were provided with updates relating to the following areas:-

- Culture
- Heritage
- Retail
- Leisure, Events and Promotions
- Site Assembly and Infrastructure Enhancements
- High Street and Urban Design Guide
- Business
- Housing
- Education
- Health
- Planning

Specific reference was made to the fact that the North Shore Development Partnership had secured funding from Housing and Communities Agency to enable the North Shore Homes Zone to begin in the Autumn. In addition confirmation of funding for Parkfield Phase 2 Extended Area A had been received and discussions with house owners would therefore recommence.

It was considered that over the next three years projects that should be given priority were the refurbishment of the Globe Theatre, acquisition and demolition of Glynn Webb with associated highways enhancements, Townscape Heritage Initiative, the development and delivery of car parking on the High Street and the refurbishment of 62 Dovecot Street.

At this stage, the delivery of a bus station in the short to medium term had been

ruled out on the basis of cost and available sites that met bus operators' requirements. Furthermore, site assembly in line with properties previously acquired at Southern Gateway and the pursuit of infrastructure enhancements to link the High Street to the riverside, such as the proposed land bridge over Riverside Road, had been given a lesser priority due to funding constraints.

Supporting the delivery of anchor stores within the town centre along with a bus station in line with a redesigned High Street and enhanced public realm as well as physical development of the Southern Gateway site remained a longer term priority for the central area and would be given further detailed consideration following the completion of the urban design guide and more clarity on future funding opportunities. An indication of the likely delivery timescales was provided to Members.

The redevelopment of the Globe Theatre was considered to be the main priority scheme within the Central Area. The direct impacts of the refurbished Globe would be to create 23 new permanent jobs, safeguard 72 construction jobs and to increase footfall in the town centre. Footfall projections are based on 30 live music performances, 15 comedy performances, 10 other entertainment events and 10 private hire events per year, with the venue operating at 70% capacity. Based on industry standard figures this projects an additional 82,500 visitors per year with an estimated spend of £4.5m inside the venue and a further £7.8m of spend in the wider town centre over a five year period. This was estimated to create and support up to 130 additional jobs in the Central Area.

The redevelopment of the Globe was seen as key to supporting the growth and diversification of the evening economy in central Stockton. It was anticipated that the Globe would act as a catalyst for bringing vacant properties back into use to support the evening economy and would provide an alternative leisure offer that was unavailable in central Stockton. Public sector funding would contribute towards the project and as such a development agreement or other suitable legal documentation would be drawn up to protect the public sector investment and to ensure maximum economic benefits were gained from the redevelopment of the Globe and that programming complemented and added value to events in the town centre. However the full detail of any such agreement could not be determined until funding of the project was finalised.

It was explained that the Tees Valley Bus Network Improvements (TVBNI) project has been given full approval by the Treasury after the recent review of Major Scheme Funding. The realignment of Riverside Road was seen as a major priority for the TVBNI project and was designed to improve bus journey times as part of a package of measures that also included the Mandale Gyrotory Bus Corridor Improvements scheme which was under construction.

In order to allow the realignment of Riverside Road element of the scheme to progress, the purchase of land at the Glynn Webb site was essential. If the land was not acquired there were wider implications for the TVBNI project. The TVBNI required a 'local contribution' across all Local Authorities in the Tees Valley, which was provided in the form of capital funds to acquire and demolish the Glynn Webb site

If the Glynn Webb site could not be acquired there would be no alternative but to reduce Stockton's element of the TVBNI project accordingly resulting in the

loss of several other TVBNI schemes across the network, as well as the enhancements planned at Riverside Road.

The refurbishment of 62 Dovecot Street would provide 600m² of flexible business accommodation to support creative industries, in particular digital media companies, by potentially forming a satellite facility for DigitalCity, the Tees Valley wide initiative to create a vibrant, successful and self-sustaining supercluster in digital technologies, digital media and creative sectors, and their enabling capabilities. This supported the key priority to diversify the offer of the town centre and attract new footfall through this prominent area of the town. The facility at 62 Dovecot Street would be strategically located close to the existing Business Centre and Arc, and would require refurbishment and fit-out to a high specification to support 10 new businesses. This had been estimated as costing £0.5 million, which could be funded by seeking 50% of the capital costs from ERDF, with a 50% match funding contribution from SBC capital.

The reintroduction of car parking on the High Street would be a major asset for the town centre. Proposals centred around the creation of two parking areas within loops at either end of the High Street. It was explained that the delivery of short stay car parking would, for the most part, have to be delivered in line with proposals for improving the public realm and layout of the High Street. However, it was anticipated that parking areas in the northern loop could potentially be delivered in advance of wider works on the High Street for circa £1 million thereby creating much needed short stay, high churn pay and display parking close to High Street businesses and the Globe. In addition, a further 8 spaces have been identified in front of 16 Church Road to support businesses at the Northern end of the High Street.

Reviewing and developing delivery structure arrangements for the delivery of regeneration actions across the central area was a key recommendation within the Central Area Investment Plan. Clear structures were vital for project delivery in the central area as they would help provide primacy in decision making, secure stakeholder support for proposals and give clarity and confidence to the private sector, increasing the potential for investment in the central area. As such proposals for a structure that would aid investment and reduce bureaucracy were being drafted with a view to establishing the most efficient and effective means of delivering a governance structure that added value to processes and protocols

RECOMMENDED to Council that:-

- 1. the progress made to date on the regeneration of Stockton Central Area be noted.**
- 2. the schemes to be prioritised from the funding available within the medium term financial plan be agreed.**
- 3. the allocation of resources from the remaining SMI regeneration approved funding to any of the prioritised schemes be delegated to the Chief Executive in consultation with the Leader of the Council and Cabinet Member for Regeneration and Transport.**

Consideration was given to a report relating to a requirement of the Local Government Pension Regulations (LGPS) that all employing authorities, including admitted bodies, formulate, publish and keep under review a policy on how it would exercise the various discretions provided by the LGPS.

Members noted that since 1997 the LGPS Regulations had required every employer to issue a written policy statement on how it would exercise the various discretions provided by the LGPS. Following the introduction of the New Look Pension Scheme in April 2008 employers had been advised to update their discretionary policy statement. The delay in doing so had been due to the clarification of some elements of the regulations by the scheme's administrators. The new Discretionary Policy Statement was provided to Members as was the Council's current Discretionary Policy Statement which had been in place since February 2007.

Employers had to publish their statement and send a copy to the appropriate pension Fund which for Stockton Borough Council was Mouchel Business Services – Pensions Unit. Any revisions to the Policy Statement had to be issued at least one month in advance of the date the new policy takes effect.

The revised Policy Statement includes a number of existing employer discretions which had been retained in the new statement. New discretions following changes to Pension Regulations had also been included and advice sought where appropriate from Mouchel Business Services – Pensions Unit.

Following this advice, it was recommended that the Council's revised policy statement should also include a section relating to any discretions applicable to Councillors and a section has therefore been included. It was noted that there were 8 Councillors who contributed to the LGPS. The policy on each discretion and the process for consideration and approval where appropriate, mirrored the Council's policy applicable to other scheme members.

In light of some recent decisions made by the Ombudsman in respect of the wording used in employer policy statements, further guidance was being prepared nationally and by Mouchel Business Services – Pensions Unit in respect of suitable and acceptable wording, which employers could use in their policy statements. It was noted that this may require some further amendments over the coming 12 months.

RESOLVED that

1. the revised statement of policy regarding the exercise of discretion with regard to the application of the LGPS Regulations be approved.

RECOMMENDED that Council:-

2. approve the discretions included within the policy in relation to active councillor members, including the decision process in each case.

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that consideration of it is likely to involve the disclosure of exempt information as defined in paragraphs 3 and 6 of Part 1 of Schedule 12A of the Act.

**CAB
55/10** **Billingham House Update**

Consideration was given to a report that provided a summary of the progress made to bring about the restoration or demolition of Billingham House and outlined the options available for the Council's future intervention to ensure the remedying of the impact of the building on the local amenity.

Billingham House became vacant in 1995, and was purchased by Bizzy B Management Limited (Bizzy B) in 2000 with a view to redevelopment. The location of the site, within the Health and Safety Executive's (HSE) 'Inner and Middle Consultation Distance Zones', meant that there were restrictions on uses for the site.

Following years of working with the owners to reach a solution for the site, the Council took legal action, serving a notice under Section 79 of the Building Act 1984, to require the owners to refurbish or demolish the building by 31st December 2008. The owners breached this notice and were found guilty and fined by Teesside Magistrates Court in October 2009.

Members noted that no further works had been carried out on site whilst Bizzy B had continued to negotiate a long term lease with a third party that would see the refurbishment of the building. Those negotiations were on going.

In view of the refurbishment scheme not coming forward as soon as anticipated there were a number of options available to the Council to ensure the remedying of the impact of the condition of the site on the local amenity.

Members were provided with details of the options available to the Council, which included continuing to support the planned refurbishment scheme and, in the event of that being unsuccessful, pursuing a bid for costs, which would be incurred in undertaking demolition of the building, in default of the S79 notice.

RESOLVED that

1. the third party refurbishment scheme be supported up to the date detailed in the report by which time a development agreement must be signed.
2. the bid for ONE North East Single Programme funds be supported, for 100% of the demolition costs of the building which would be incurred in the Council undertaking work in default of the S79 notice

RECOMMENDED to Council that:-

- 3. recommendation 3, as detailed in the report, be approved.**

