

Cabinet

A meeting of Cabinet was held on Thursday, 6th October, 2011.

Present: Cllr Robert Cook (Chairman) Cllr Jim Beall, Cllr David Coleman, Cllr Ken Dixon, Cllr David Harrington, Cllr Mrs Ann McCoy, Cllr Steve Nelson, Cllr David Rose and Cllr Michael Smith

Officers: N. Schneider (CEO); J. Danks, G. Cummings, B. Brown (R); J. Humphreys (CESC); P. Dobson, R. Poundford, R. Kench, N. Russell, C. Straughan (DNS); D. Bond and N. Hart (LD)

Also in attendance: Cllr Laing

Apologies:

CAB 58/11 **Declarations of Interest**

Councillor Cook, Coleman, Nelson and Rose each declared personal, non prejudicial interest in the item entitled School Performance 2010/11 as they were school governors.

Councillor Dixon and Harrington each declared personal, non prejudicial interest in the item entitled School Performance 2010/11 as they had had involvement with a Free School application.

Councillor Cook declared a personal, non prejudicial interest in the item entitled Parliamentary Constituencies Review as he was employed within a local MP's Constituency Office.

Councillors Cook, Coleman and Rose declared a personal, non prejudicial interest in the item entitled Local Authority Representatives on School Governing Bodies as they were school governors.

Councillor Beall, Cook, Coleman, Nelson and Rose each declared personal, non prejudicial interests in the item entitled School Organisation Plan 2011 - 16 as they were school governors,

Councillor Dixon and Harrington each declared personal, non prejudicial interests in the item entitled School Organisation Plan 2011 - 16 as they had had involvement with a Free School application.

Councillor Beall, Cook, Coleman, Nelson and Rose each declared personal, non prejudicial interest in the item entitled Capital Investment in Schools as they were school governors.

Councillor Dixon and Harrington each declared personal, non prejudicial interest in the item entitled Capital Investment in Schools as they had had involvement with a Free School application.

Councillor McCoy and Coleman each declared personal, non prejudicial interest in the item entitled Economic Climate Report as they were members of the Stockton and District Advice and Information Service Board.

Councillor Smith declared a personal, non prejudicial interest in the item entitled Economic Climate Report as his employer was referred to in the report.

Councillor Beall declared a personal, non prejudicial interest in the item entitled Stockton on Tees Playing Pitch Strategy as he was a school governor.

**CAB
59/11** **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 nomination to school Governing Body as detailed within the report.

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

All Saints School – Mr S. Gazeley

Ingleby Mill Primary School –Mrs G.Pattison

Northfield School and Sports College – Karen Orley

Norton Primary School – Mr M. McGrother

Oxbridge Lane Primary School – Mrs E. Johnson

Roseberry Primary School – Mr K. Davies

St Patrick's RC Comprehensive – Mrs K. O'Donnell

**CAB
60/11** **School Performance 2010-11**

Cabinet considered a report that presented an analysis of school performance in the academic year 2010 – 2011 and informed Members of continuing developments in the Education Improvement Service.

The report provided background to how children were assessed at the Early Years and Foundation Stage, and the four key stages. Members noted how children at each stage had performed and noted areas for development and key focus during 2011/12.

Members also noted performance of young people, post 16.

Cabinet was informed of Ofsted inspections undertaken during the year. It was noted that at the end of the year, all the schools that had previously been subject to an Ofsted category of concern – Notice to Improve or Special Measures – had had it removed. None of the inspections across the year resulted in a school receiving an Ofsted category. This was the first time since the data had been collated in 2005, that Stockton had had no schools judged inadequate.

Cabinet noted developments in school improvement and also noted that the context for education continued to be one of reform and change. For example:

- Norton School and Blakeston School had amalgamated and formed

Northshore Academy. Thornaby Community School had formed Thornaby Academy.

- There were two applications for Free Schools in the Borough
- The School's White Paper had removed the majority of all grant funding for School Improvement, resulting in a significant number of posts in Education Improvement Service being lost.
- Ticknell report into Early Years Foundation stage.
- Curriculum reform influenced by the Wolf report
- Changes to floor standards for schools and measures to assess performance
- End of statutory duty to have a School Improvement Partner
- A new approach to special needs and disability provision

As a result of these changes, the Education Improvement Service had invested time in meeting with Headteachers to ensure their view of what they needed was central to the reshaping of the service. Innovative models of school support had been shared and developed with Headteachers through a discrete working group and regular 'Education Matters' events for all Headteachers. There was now a bespoke School Improvement Adviser programme which offered schools the ability to receive support and challenge in a flexible and collaborative way.

The Education Improvement Service would continue to explore how its services could be adapted to the changing face of its relationship with schools. This included retaining core services for all schools within Campus Stockton as well as brokering costed services to schools and other Local Authorities to generate income. It was committed to impacting positively on outcomes across the Borough and commanding a significant position in the growing market place of providers for school improvement services.

RESOLVED that

1. the standards and achievement across the Borough be noted.
2. the developments in the Education Improvement Service be noted.

**CAB
61/11** **School Organisation Plan 2011-16**

Cabinet considered a report that presented the draft School Organisation Plan 2011 – 2016.

The Plan provided information about the number, types and sizes of schools maintained by the Council. It recorded the number of places available in those schools and it included forecasts of pupil numbers over the next five years. This information was an important resource to support the Council in carrying out its statutory duty to ensure a sufficient supply of school places to meet the needs of children and young people in the borough.

It was explained that, when taken together with documents relating to the condition of school buildings and their suitability for purpose, the information in the plan might help to inform decisions about capital investment in existing or new school buildings.

The 2011-16 plan described three specific issues to be confronted over the next five years:

- rising numbers of four-year-olds starting school

In September 2012 it was anticipated that 2,448 4 year olds would start school in the borough as opposed to 2,100 four years ago.

- falling numbers in borough secondary schools

The schools census in January 2011 recorded a total of 11,216 students attending secondary schools, which had a capacity of 12,431 (9.8% empty places)

- uncertainty over the impact of Academies and possible Free Schools.

The two academies, and any future academies, in the borough may increase their student numbers at the expense of other schools. The outcome of Free school applications were still unknown.

RESOLVED that

1. the information in the draft School Organisation Plan 2011 - 2016 be noted.
2. the School Organisation Plan 2011 – 2016 be published on the Council website and made available to partner organisations.

CAB
62/11 **Capital Investment in Schools**

Members considered a report that described the limited potential funding opportunities for Stockton and outlined a strategy for school capital development and investment in that context.

Members were reminded of the key recommendations coming from the James Review. The Government had accepted the majority of the recommendations made and were now consulting on the implementation. Details of the Government's response to each recommendation were provide in an appendix to the report. A response to the consultation would be prepared by the Corporate Director in consultation with the Cabinet member.

Cabinet noted that it was clear from information and funding announcements that, future funding, for major projects, would be to support improvements in condition and resolving pupil capacity issues.

Funding announcements included:-

- A Priority School Building Programme to address schools in the worst condition. This would be funded through a Private Finance Initiative (PFI), and was expected to cover £2bn of construction costs - equivalent of building or rebuilding approximately 100 secondary schools. The programme would be delivered over a 5 year period, with procurement commencing in 2012 and this was open to all schools (including Primary and Special). Applications for the

programme would be required from either Local Authorities or schools (including academies) by 14 October 2011 and applicants would need to be part of a PFI arrangement.

- £500m in one off funding to fund more school places in the areas of most need.
- Funding associated with maintenance requirements and capacity issues

Cabinet agreed that whilst the Council would wish to be ambitious in plans going forward, given that resources available would be scarce and targeted towards condition and capacity, this was where the Council should focus its attention.

Although there were still some areas of uncertainty around funding, some clarity was developing over the priorities and direction of travel. Rather than wait for absolute certainty on all aspects it was agreed that the overall strategy and plans for the Borough could now be considered.

Whilst there might not be significant levels of funding available, the Council still had a number of pressing maintenance capacity issues across the Borough and plans needed to be developed to resolve those issues. The Council would also look to identify opportunities for improving buildings wherever possible.

The Key aims of the Strategy for Stockton were:

- Provide sufficient school places across the Borough and have between 5-10% surplus places to:
 - Provide every primary pupil a place within 2 miles.
 - Provide every secondary pupil a school place within 3 miles.
- Ensure that schools were maintained in a good condition, with maintenance work undertaken.
- Identify opportunities to improve the school stock

As part of the development of the strategy, initial discussions had been held with:

- School representative groups (Primary, Secondary Heads)
- Individual Schools (where there was a direct impact)
- Diocesan representatives

Members noted that the School Organisation Plan had identified that there were a number of emerging capacity pressures relating to some Secondary and Primary Schools in the Borough. The Strategy identified areas where investment and action was required.

In view of difficulties caused by the size, layout and nature of Westlands School the Strategy identified possible options.

The strategy also showed priority condition data for each school. Overall

maintenance for community schools was as follows:-

Priority 1 – (urgently required) £11 million

Priority 2 – (within 2 years) £ 6 million

Priority 3 – (2 – 5 years) £13 million

Members considered the funding announcements further.

With regard to the Priority School Building Programme the Council had assessed the condition data against the Department of Education formula to establish whether any schools met the criteria. The schools that met the criteria and were keen to submit bids were Grangefield (Community), Mandale Mill (Community) and Ian Ramsey C.E. (Diocesan).

Members noted the benefits of these schools pursuing a bid and endorsed the Council's support.

In terms of the one off funding Cabinet was advised that although there were a number of areas where there were pressures on school capacity, it was unclear whether the Council would be eligible to apply for any of the £500m funding as there had been no announcements on the allocation of this funding, however this would be closely monitored.

Finally, with regard to the Capital Funding although it had not been confirmed, it was anticipated that the Council would continue to receive £5m per annum to fund maintenance and capacity issues. Given the level of outstanding maintenance and the reconfiguration work outlined to members in this report, this would be insufficient to ensure that all maintenance work could be undertaken. There was a potential to generate capital receipts to supplement these resources and allow more work to be undertaken. It was noted that there might be a number of school sites where there was surplus land which could be made available for disposal. It was therefore suggested that detailed work be undertaken to identify such opportunities, in consultation with the schools and this be incorporated into the school plan. There might also be a need to continue to assess risk and only undertake the highest priority maintenance schemes within the funding envelope received, which would mean that not all maintenance would be undertaken within the 5 year period.

Cabinet expressed disappointment at the levels of funding and it was suggested that the Leader and Cabinet Member for Children and Young People write to the Minister in this regard.

Members noted the next stages in the process:-

- Undertake consultation with Governing Bodies and other key stakeholder groups around the proposals.
- Submit bids for funding for Ian Ramsey C of E, Grangefield and Mandale Mill Primary under the Priority School Building Programme, and any further schools identified by the Diocese.
- Work with the schools in Billingham to develop the schemes to enable a one site solution at Northfield school and ensure the proposed pupil admission

numbers to be accommodated.

- Explore the options for increasing primary capacity as outlined.
- Assess the feasibility and costs for the options around special school provision.
- Develop a maintenance plan to address the highest priority condition issues.

It was explained that the Council had funds of approximately £2.5m available from the current years allocation of school capital and it was recommended that, in advance of the final plan being developed, the allocation of this resource be delegated the Corporate Director, Children Education and Social Care in consultation with Cabinet Member for Children & Young People. This would allow a number of the projects, where urgent action might be needed to be undertaken, which would support the delivery of the Strategy.

RESOLVED that

1. The submission of a bid for funding from the Government's Priority School Building Programme for Ian Ramsey CE School, Grangefield School and Mandale Mill Primary School be endorsed.
2. the Strategy detailed above and included in the report, be supported and endorsed and a further report be prepared for consideration by Cabinet to seek approval for a detailed plan in due course.
3. The responsibility for the allocation of the current year's School Capital allocation be delegated to the Corporate Director of Children, Education and Social Care in consultation with the Cabinet Member for Children & Young People, in order to commence priority projects which would support the delivery of the strategy.
4. The Leader and the Member for Children and Young People write to the responsible Minister expressing disappointment at the level of the funding announcements. A copy of the letter to be forwarded to local MPs.

**CAB
63/11** **Economic Climate 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.

Members noted some of the positive and negative developments since the last report. Details of the support on offer to people and businesses was also provided.

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

**CAB
64/11** **Playing Pitch Strategy**

Members considered a report relating to a Playing Pitch Strategy (PPS). The strategy provided a comprehensive picture of pitch sports provision across the borough and made recommendations about how, through partnership and appropriate rationalisation, the Council could ensure that there was a stock of playing pitch facilities that met the needs and aspirations of the borough's communities

A copy of the PPS was attached for members' consideration. The supporting appendices to the PPS were also made available.

It was explained that the Playing Pitch Strategy had been developed to provide a commonly agreed direction for the development of playing pitch facilities within the Borough. In general the publicly funded playing pitch infrastructure required significant investment to bring it to a standard which met the needs and aspirations of the communities they served. Allied to this was the fact that in many cases secondary school gates remained firmly locked at weekends when they could be providing quality pitches and the associated infrastructure, especially for the football fraternity.

The Strategy considered the Borough as a whole but also provided analysis of four distinct sub areas (Billingham & North Stockton, Central and Western, Eaglescliffe & Yarm and South East). It was important to ensure that players could access facilities within the locality they lived and the Council had to cater for pitch sports across the Borough. This strategy provided a framework for how this might be achieved.

Although this Strategy fulfilled the requirements laid out by Sport England and was entirely consistent with playing pitch strategy's across the country, it had been decided to commission an additional piece of work to look at primary school provision. The purpose of this additional work was to identify opportunities for facility improvements and how the Council might maximise its stock of primary school fields, many of which lay idle most evenings and weekends. This additional information would be available for consideration as an appendices to the main document in November 2011.

It was explained that Sport England had only recently provided comments which required some superficial changes to the detail of the strategy. However those would not affect the proposed recommendations and outcomes and as such it was suggested that delegated authority be granted to the Head of Culture and Leisure, in consultation with the Cabinet Member for Arts, Leisure and Culture, to approve any further minor amendments to the strategy.

RESOLVED that

1. the 2011 Playing Pitch Strategy be approved.
2. delegated authority be granted to the Head of Culture and Leisure, in consultation with the Cabinet Member for Arts, Leisure and Culture, to approve any further minor amendments to the strategy.

**CAB
65/11**

Flood & Water Management Act 2010 - Update

Cabinet considered a report that provided an update to previous Flood Risk

Management reports on the Preliminary Flood Risk Assessment and the Pitt Review.

Members were reminded that Local Authorities became Lead Local Flood Authorities (LLFAs) and subject to new duties and responsibilities.

It was explained that the first phase of implementation of the Act began in autumn 2010 with the commencement of sections including definitions, statutory instrument making powers and provisions requiring LLFAs to develop strategies for local flood risk management. A second phase of implementation was carried out in April 2011, this included commencing most of the new responsibilities for LLFAs including powers to request information, duties to investigate flooding incidents and to maintain a register of flood risk management structures or features.

On 19th July 2011 the new national strategy for Flood and Coastal Erosion Risk Management in England took effect with more important LLFA responsibilities under the Flood and Water Management Act being introduced as a direct result of the strategy.

There were further sections of the Act, still to take effect, which would have a significant effect on the Authority, and updates on the timescales for these were awaited from Defra. The sections included sustainable development, designation of features which had a purpose in flood risk management, sustainable drainage including approval and adoption by the Authority and provision of consents and enforcement for works in ordinary watercourses. National guidance was awaited and was expected over the next 12 months.

A summary table of the status of commencement of the Act was provided to members.

It was explained that Technical Services would carry out the duties and responsibilities of the Flood and Water Management Act for the Authority on a day to day basis, to ensure compliance with legislation.

The Council would be monitoring developments in terms of the commencement of sections of the Act and updates would be provided when appropriate.

The Preliminary Flood Risk Assessment was complete and would serve as a useful tool in taking forward production of a local flood risk strategy. The local strategy would be produced in line with the national strategy and there was no set deadline under the Act but it was expected that work would be complete within 2 years.

It was noted that a large amount of historic data had been analysed and there were some areas emerging with flood risk issues.

RESOLVED that

1. the new duties and responsibilities on Stockton Borough Council under the Flood and Water Management Act 2010 be noted.
2. the new duties and powers of the Council, as Lead Local Flood Authority,

under the Flood and Water Management Act 2010 be delegated to the Head of Technical Services, to carry out all duties, functions and powers as deemed appropriate.

**CAB
66/11** **Minutes of Various Bodies**

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:-

Stockton Renaissance – 14 June 2011
Tees Valley Unlimited – 28 June 2011
Northern Area Partnership – 4 July 2011
Western Area Partnership – 25 July 2011
Eastern Area Partnership – 26 July 2011

**CAB
67/11** **Parliamentary Constituencies Review**

Members considered a report that provided an update regarding the Parliamentary Constituencies review being undertaken by the four UK Boundary Commissions in their respective parts of the UK.

Cabinet noted that the Parliamentary Voting System and Constituencies Act 2011 required there to be a fixed number of 600 constituencies for the UK, as opposed to the current 650. Within that the North East had been allocated 26 constituencies, as opposed to the current 29.

The Boundary Commission for England (BCE) had recently produced initial proposals for England, which included those relevant to Stockton on Tees Borough area. Members were provided with details and it was noted that these would be presented at a Members Seminar on Monday 10th October 2011, for discussion.

It was explained that an initial consultation period was underway ending on 5 December 2011 and information relating to how representations could be made was noted. Members were provided with details of the full consultation process, which included a second consultation period, the opportunity for revised proposals, and a final consultation period prior to the Final Recommendations and Report being published.

It was agreed that a further report be considered at Cabinet's next meeting and also at the end of the initial consultation period, once all of the representations received by the BCE had been published.

RECOMMENDED that Council

1. notes the report.

2. notes that initial proposals produced by the Boundary Commission for England would be presented to a Members' Seminar for discussion.

3. notes that a further report regarding the proposals would be submitted to Cabinet at its next meeting.

**CAB
68/11 Adoption of Sustainable Design Guide Supplementary Planning Document
and Parking Provision for Developments Supplementary Planning
Document**

Members considered a report relating to the Parking Provision for Developments and the Sustainable Design Guide Supplementary Planning Documents.

It was explained that the Parking Provision for Developments SPD was a revision of an earlier SPD, Parking Provision in New Developments SPD which was first adopted in 2006. In addition to being one of the earliest documents adopted as part of the Local Development Framework, it also constituted a chapter of the Tees Valley Design Guide and Specification for Residential and Industrial Estate Development. The SPD had been revised and updated to reflect changes in Government guidance since the original SPD was adopted, particularly Manual for Streets (published in 2007) and its companion document, Manual for Streets 2 (published in 2010). The opportunity had also been taken to clarify and amend other minor aspects of the document and link it to the Core Strategy, particularly Policy CS2: Sustainable Transport.

The Sustainable Design Guide SPD was intended to reflect Government guidance on good design and sustainability and to provide greater detail on Policy CS3 of the Core Strategy, which aimed to reduce the environmental impacts of new developments. The main objectives of the SPD were to encourage vibrant, sustainable and inclusive communities, to promote energy efficiency and environmental sustainability and to promote high quality design standards, which had a high regard for the surrounding character of the site and create attractive places. The SPD provided advice on site selection and development settings, design principles for built development, open space and landscaping, ecology, environmental sustainability, energy generation and renewable technologies, water efficiency and sustainable drainage, waste management, sustainable urban drainage techniques and feed in tariffs.

Both SPDs underwent public consultation from 31 January to 14 March 2011 and details of the consultation were provided.

A number of comments were received regarding each of the documents and these had been incorporated into the SPDs as appropriate. Details of the consultation responses and the Council's response had been included in two Consultation Statements which accompanied the SPDs.

During this consultation period, Natural England, a statutory consultee on all LDF documents, requested that a Habitats Regulations Assessment was undertaken on both the SPDs. This process, required by the EC Habitats Directive Articles 6.3 and 6.4, assessed the impact of all plans and projects on sites designated as of European importance for their nature conservation value. A screening exercise was undertaken and it was concluded that there was not likely to be significant effects on the relevant sites from the adoption of either SPD. The Habitats Regulations Screening Reports were consulted on from 11

July 2011 to 8 August 2011. Natural England confirmed the Council's conclusions and accordingly, a full appropriate assessment, under the Conservation of Habitats and Species Regulations 2010 was not undertaken.

Copies of both SPDs, their Consultation Statements and Habitats Regulations Assessment Screening Reports were provided to Members.

Following adoption, the two SPDs would be made available to guide applicants for planning permission and their contents would become material considerations in deciding planning applications.

RECOMMENDED that Council

1. notes the contents of the report;

2. adopts the Sustainable Design Guide Supplementary Planning Document and the Parking Provision for Developments Supplementary Planning Document.

RESOLVED that

3. The Head of Planning be given delegated authority to make any necessary minor amendments to the Sustainable Design Guide Supplementary Planning Document and the Parking Provision for Developments Supplementary Planning Document prior to adoption.