

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

11 JULY 2012

REPORT OF CORPORATE MANAGEMENT TEAM

CABINET DECISION

Regeneration & Transport – Lead Cabinet Member – Councillor Mike Smith

TEESDALE

1. Summary

The maintenance of elements of the infrastructure of the Teesdale area has been an issue ever since the Teesside Development Corporation (TDC) was wound up in 1998.

The infrastructure is largely in the ownership of the Homes and Communities Agency (formerly English Partnerships) and British Waterways. However, there are significant and prominent elements in private ownership that have resulted in a lack of maintenance and complaints from residents and Ward Members. This reports sets out a way forward to resolve these long standing issues.

2. Recommendations

1. Note progress made to date on the issue of maintenance of areas of infrastructure in Teesdale.
2. Cabinet agree the principles of seeking a long term solution of these issues via adoption, subject to satisfactory resources being available and contributions received from existing land owners where possible.

3. Reasons for the Recommendations/Decision(s)

1. To achieve a long term solution to the deteriorating condition of the infrastructure on Teesdale.
2. To support the local businesses in the area and provide a better environment for the residents.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct

(paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

AGENDA ITEM

REPORT TO CABINET

11 JULY 2012

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

TEESDALE

SUMMARY

The maintenance of elements of the infrastructure of the Teesdale area has been an issue ever since the Teesside Development Corporation (TDC) was wound up in 1998.

The infrastructure is largely in the ownership of the Homes and Communities Agency (formerly English Partnerships) and British Waterways. However, there are significant and prominent elements in private ownership that have resulted in a lack of maintenance and complaints from residents and Ward Members. This reports sets out a way forward to resolve these long standing issues.

RECOMMENDATIONS

1. Note progress made to date on the issue of maintenance of areas of infrastructure in Teesdale.
2. Cabinet agree the principles of seeking a long term solution of these issues via adoption, subject to satisfactory resources being available and contributions received from existing land owners where possible.

DETAIL

1. For at least the past eight years there have been complaints received in relation to the lack of maintenance of areas of Teesdale around the canals and the river frontage between Victoria Bridge and Anchorage Mews. The issues related to weeds growing, paving missing, street lights broken, litter and a general unkempt appearance. This then led to an increase in anti-social behaviour which added to the decline in maintenance as any acts of vandalism were not rectified quickly, if at all.
2. Much of the Teesdale area footpaths, lighting and street furniture is owned and maintained by British Waterways and presents no problems. They did until recently have contracts with Direct Services to carry out such maintenance as was deemed necessary. They now have their own property management company that carry out such work on their behalf.
3. Tracing land ownership over the years has proved difficult, where some plots were not registered and even the bridge across the canal from Anchorage Mews did not appear on the OS maps.
4. The larger part of the footpath around the canal areas immediately to the North of Victoria Bridge was owned by a company called Stemgrove Limited which was linked to Mandale Properties. It had assets of £100 and demonstrated little interest in the maintenance of

their land. In discussions with them in 2007 they indicated they had no interest in the land and did not see the value in maintaining it. They did state that they had expressed concerns to the TDC over the land ownership and that it should have been taken back to the ownership of the TDC but this did not happen.

5. In October 2009 Stemgrove Limited was dissolved, which did not come to light until recently during attempts to secure input from the company. As a result of this change of circumstances a letter was sent to the Government's Treasury Solicitors Department from our Legal Services pointing out this fact and asking that the land will now be classed as "bona vacantia" and became the ownership of the Crown. The response stated that the land would fall within the Duchy of Lancaster, however, the letter dated 17th January 2012 did state "Her Majesty does not derive any benefit from the property that vests in her in this manner; consequently no maintenance or management of the footpaths will be undertaken". It also indicated that they were willing for the Council to acquire the property in question.
6. This effectively meant that whilst ownership of the land passes to an "organisation" that had the means to carry out maintenance it was unlikely to happen. In this respect we were no further forward in terms of securing investment in the site.
7. The other private owner of some of the footpaths and the footbridge area the canal immediately adjacent to George Stephenson House and Richard House near the river is Teesdale Property Company Ltd. They own office blocks on the estate and after correspondence officers were put in contact with their management agents Dodds Browns of Middlesbrough.
8. A recent meeting with the agents was very positive and generated an understanding of how the lack of maintenance is an issue for them in terms of public liability and impacts on the viability of the office accommodation in terms of ability to attract tenants. An agreement was reached that a fully costed proposal would be drafted and issued to them outlining the full cost of the council bringing their land holding up to an adoptable standard and the on-going maintenance costs.
9. The only other significant infrastructure element is the footbridge that links Anchorage Mews to Westpoint Road. This bridge was not shown on any OS maps. This bridge has not been maintained since construction and is showing signs of neglect in that it is affected by significant surface corrosion. An inspection of the bridge was carried out by Arups who concluded that while it was structurally sound it did need rust removal and corrosion treatment. The indicative cost for this work was around £16,000.
10. One of the other valuable steps forward in dealing with Teesdale has been the purchase of the full digital land registry data for the area. This has enabled us to identify the ownership of Anchorage Bridge as it is shown as belonging to the HCA. Discussions with the HCA are ongoing to secure an agreement for adoption subject to the required maintenance being undertaken and transfer of an agreed commuted lump sum.
11. Copies of the land owned by the Crown, the HCA and Teesdale Property Company along with an overview of the area proposed to be adopted are attached at **Appendix 1**.

Costs

12. The Community Payback team carried out various works last summer around the canal areas to paint bollards, bins, benches, handrails, access ladders and also to remove weeds and vegetation. Following further investigation into the condition of the existing street lighting it was decided to look at a complete redesign of the lighting in this areas rather than repairing and repainting. This was mainly due to the unsuitable existing lighting and problems with the electricity supply to these columns.

13. Based on this it has been calculated that the cost to bring these areas up to adoptable standards is as follows:-

New street lighting scheme	£80,000
Refurbish benches	£8,000
Removal of existing tree guards	£7,500
Repaint access ladders	£3,000
Removal of tree anchors	£3,720
Excavate tree pits inc. disposal	£4,020
Supply/install Greenleaf anchoring	£37,500
Take up existing pcc paving	£17,700
Relay pcc paving on sand bed	£37,818
Removal of trees & replacement planting	£11,328
TOTAL	£210,586

14. Anchorage Footbridge was inspected by our partners Arup in July 2011. The inspection report recommended the bridge should be completely repainted. An estimated cost for this painting is £16,310. It has been discovered this bridge is owned by the Homes and Communities Agency (HCA), who have agreed to fund the remedial works necessary to bring the bridge up to an adoptable standard.
15. The GIS team has provided land registry data in GIS for the whole of Teesdale which has allowed us to work out who is responsible for each section of the canal walkways. This information is showing three owners, The Crown (formerly Stemgrove Ltd), Teesdale Property Company Ltd and the HCA, as shown on the attached plans. The total area of these walkways is 7865m² so if we breakdown the total costs shown above per metre square, each owner would be responsible for the following costs:-

The Crown (formerly Stemgrove)	£145,041
Teesdale Property Company	£46,830
HCA	£18,716 (plus £16,310 for bridge)

16. As it is unlikely that the Crown can be persuaded to contribute, the only way forward would be to seek Council resources to fund the £145k element. This will at least secure a solution to a long standing problem.

CONCLUSIONS

17. The only long term solution for this area is to secure adoption and maintenance of the infrastructure. Although this is not a policy that would normally be pursued as it would usually be achieved via a commuted lump sum or section 106 agreements. None of which exist in this situation. Coupled with this the area in question is high profile and of strategic importance to the existing office and residential accommodation.

FINANCIAL IMPLICATIONS

18. Costs to bring infrastructure up to adoptable standard of £211,000 will be incurred by SBC as part of the Capital Programme. Contributions from other landowners of £66,000 are being secured. The balance of £145,000 will be funded from within existing resources.
19. There will be on going revenue implications for maintenance works which will be met from existing revenue budgets within DNS.

LEGAL IMPLICATIONS

20. Legal Services are closely involved with the process and have been for some years.

RISK ASSESSMENT

21. This is categorised as low. Existing management systems and daily routine activities are sufficient to control and reduce risk.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

Economic Regeneration and Transport

22. Supports local business.

Safer Communities

23. Reduces anti-social behaviour.

Children and Young People

24. No impact.

Healthier Communities and Adults

25. A safer environment will be created.

Environment and Housing

26. Improves the aesthetic value of the area.

EQUALITIES IMPACT ASSESSMENT

27. This report is not subject to an Equality Impact Assessment because there are no policy implications.

CONSULTATION INCLUDING WARD/COUNCILLORS

28. Consultation has taken place with Ward Members.

Name of Contact Officer: Richard McGuckin

Post Title: Head of Technical Services

Telephone No. 01642 527028

Email Address: richard.mcguckin@stockton.gov.uk

Education related?

No.

Background Papers

Appendices (maps)

Ward(s) and Ward Councillors:

Mandale & Victoria : Councillors S Walmsley, T Large and T Stott

Property

No implications.