

Cabinet

A meeting of Cabinet was held on Thursday, 11th July, 2013.

Present: Cllr Jim Beall (In the Chair), Cllr Ken Dixon, Cllr David Harrington, Cllr Steve Nelson and Cllr Michael Smith.

Officers: N Schneider (CE), D Hurwood, L King (R); P Dobson, R Poundford, R McGuckin, M Clifford, J Nixon (DNS); J Humphreys, L Brown, E Jewitt (CESC), P Kelly (PH); M Waggott, G Birtle, P J Mennear, P K Bell (LD).

Also in attendance: Cllr Julia Cherrett (Chair of Housing and Community Safety Select Committee), Cllr Ken Lupton, Cllr Maurice Perry and Members of public.

Apologies: Cllr Bob Cook, Cllr David Coleman, Cllr Mrs Ann McCoy and Cllr David Rose.

CAB 36/13

Declarations of Interest

Councillor Beall, Harrington and Nelson all declared a personal interest in respect of agenda item 4 – Scrutiny Report of Review of Tobacco Control as they were a member of Teesside Pension Fund.

Councillor Harrington declared a personal non prejudicial interest in respect of agenda item 5 – L A Nominations as he was a governor at one of the schools named within the report.

Councillor Nelson declared a personal interest in respect of agenda item 8 – Five Year housing Supply 2013 – 18 as he was a member of Tristar Board.

Councillor Nelson declared a personal interest in respect of agenda item 9 – Economic Climate Update as he was a member of Tristar Board.

Councillor Nelson declared a personal, non-prejudicial interest in the item 15 - Welfare Reform – Update and Assessment of Early Impact on the Borough, as he was a member of the Tristar Board.

CAB 37/13

Minutes

The minutes of the meeting were confirmed and signed by the Chair as correct record.

CAB 38/13

Scrutiny Report of Review of Tobacco Control

Consideration was given to a report of Stockton Council's Housing and Community Safety Select Committee that addressed the issues raised in the review of tobacco control from the two perspectives of regulatory services and public health.

The report highlighted that Stockton Borough had significantly higher than the national average for the number of smoking related deaths each year.

Evidence had been received from a wide range of organisations as detailed within the report.

Fantastic work was being carried out by the Stop Smoking Service (SSS) but,

as the report showed, more can and should be done to help those who wish to stop smoking.

The review contained 21 recommendations ranging from local to regional and national actions. Some would be simple to implement and some would require legislation.

RESOLVED that:-

1. Stockton Borough Council approach ANEC and the Northern Group of MPs to lobby for legislation requiring the positive licensing of wholesalers / retailers before they can supply tobacco products and for the licensing regime to allow for the full recovery of costs for the licensing authority.
2. Stockton Borough Council approach ANEC and the Northern Group of MPs to lobby for legislation to require a no smoking zone around the entrance to all public access buildings and areas – in particular pubs, clubs, hospitals, schools, shopping centres, parks and play areas.
3. Stockton Borough Council introduce a voluntary code of smokefree practice in and around designated children's play areas.
4. Stockton Borough Council lobby the Government to reconsider its position and support the introduction of a ban on smoking in cars.
5. The Smokefree Stockton Alliance explore the development of a local campaign to raise awareness of the dangers of smoking in cars especially the harmful effects on children.
6. Stockton Borough Council lobby the Government to reconsider its position and support the introduction of plain packaging for tobacco products.
7. Stockton Borough Council support people to stop smoking by distributing a Chronic Obstructive Pulmonary Disease (COPD) screening questionnaire to all staff and councillors and provide a pathway to smoking cessation services if required.
8. Stockton Borough Council encourage staff and Council Members to stop smoking by providing work-time access to smoking cessation services.
9. Nicotine Replacement Treatment be offered routinely to all patients on admission who smoke.
10. The NHS Foundation Trust forms, when recording the smoking status of patients, also record if stop smoking brief intervention is given to smokers and if referral is accepted.
11. Explore improved and increased partnership working with Schools, Colleges, Youth Service and Fire Service to promote the Stop Smoking Service.
12. Explore improved access to workplaces in partnership with the Environmental Health Service to promote the Stop Smoking Service.

13. Explore increased opportunities for brief intervention training with Housing and Social Care staff to promote the Stop Smoking Service.
14. Stockton Borough Council work towards achieving the North East Better Health at Work Gold Award and register the Council's commitment to tobacco control as part of the Public Health Responsibility Deal (H5).
15. Stockton Borough Council ensure the inclusion of publicity for the Stop Smoking Service to the wider community both on its website and in the key public health campaigns planned for this year.
16. Stockton Borough Councillors consider promoting the dates, times and venues of the Stop Smoking Sessions on their web page/website.
17. The smoking status of pregnant women should be recorded when scans are being taken. This will capture smoking status of women not attending the antenatal classes and increase opportunity to offer stop smoking intervention.
18. The Director of Public Health consider an additional 2 days of midwifery time to enable midwives to provide specialist support for those women who declined the stop smoking support and to implement the babyClear project in 2013.
19. The Teesside Pension Fund seek the views of fund members (current, past and retired and including the other local authorities who are part of the fund) on divesting from tobacco.
20. Stockton Council's Director of Public Health to seek and record the views of other Directors of Public Health regarding pension fund investment in tobacco companies.
21. Stockton Council's Chair of the Health and Wellbeing Board work with the ANEC Chairs' of Health and Wellbeing Boards to explore local authority pension fund disinvestment in tobacco companies.

**CAB
39/13**

LA Nominations

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

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

Billingham South Primary School - Derek Forrest
Christ the King RC Primary School - Mr W Edwards
Myton Park Primary School - Mr Simon Milner
St. Mark's Elm Tree CE Primary School - Mrs F Williams
Wolviston Primary School - Mrs J Watt

CAB **School Term & Holiday Dates 2014/2015**

40/13

Consideration was given to a proposed calendar of school term and holiday dates for the 2014/2015 academic year.

As part of the consultation process, all schools and all other relevant parties, including unions and associations, were invited to comment, the majority of whom were in favour of the proposed academic calendar.

RESOLVED that the proposed school term and holiday dates for 2014/2015 be approved.

CAB **Major Transport Scheme Funding Devolution**

41/13

Cabinet had previously considered a report on major transport scheme funding devolution in October 2012 which highlighted the Government's intention to devolve funding to LEPs in the spending period 2015-19. Cabinet noted the content of the report and the purpose of this report was to provide an update on the process to date and the emerging priorities that had been identified for the Tees Valley's allocation of funding.

Members were presented with an addendum report that outlined that in addition to the devolution agenda on major transport schemes the Department for Transport was running a parallel devolution agenda for rail services in the North of England. Cabinet considered a report on 7 March 2013 which provided an update on the process of rail devolution and a context regarding the North East of England. The rail devolution agenda was being led by Leeds, Manchester and South Yorkshire Integrated Transport Authorities however all other Northern Local Authorities from Derbyshire and Shropshire to the Scottish Border were involved and were key stakeholders. An organisation had been formed by the three major city areas called Rail North and this was previously known as Rail in the North of England (RiNE).

In parallel with governance work Rail North had developed a draft long term rail strategy for the North of England and reference was made to this in the March Cabinet report. An executive summary of this work was attached to the addendum.

RESOLVED that:-

1. The content of the report including the scheme prioritisation as detailed in Appendix 2 be noted.
2. The contents of the addendum report be noted.
3. It be noted the Council's input to the Rail Devolution agenda was previously delegated to the Head of Technical Services in consultation with the Leader of the Council and Cabinet Member for Regeneration & Transport.

Dialogue through the TVU and ANEC structures would continue on that basis of delegation and regular appropriate updates will be brought to Cabinet.

**CAB
42/13** **Five Year Housing Supply 2013-2018**

Consideration was given to a report that informed Members of the completion of the Five Year Deliverable Housing Supply Final Assessment 2013 – 2018. The report would be updated quarterly on a trial basis.

The National Planning Policy Framework (NPPF) stated that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements.

An additional buffer of 5% was required to ensure choice and competition in the market for land. Where there had been a record of persistent under delivery of housing, the buffer should increase to 20%.

The NPPF did not define persistent under delivery. The authority takes the view that the record of housing delivery in the Borough was robust in the context of the challenging conditions in the housing market. Therefore a buffer of 5% had been added.

The report showed that the authority had a deliverable housing supply of 3.96 years with a 5% buffer added, which was a shortfall of 630 dwellings. This meant that the authority was not able to demonstrate a five year supply of deliverable housing sites.

The issue of whether or a 5% or 20% buffer is appropriate was debated at the recent Land off Low Lane, Ingleby Barwick Public Inquiry. It was possible that the Inspector's Report would comment on this issue. If a 20% buffer were added then the deliverable housing supply would be 3.46 years which was a shortfall of 1062 dwellings.

It was suggested that the authority must have a five year supply as about 1000 dwellings had been granted consent since the Five Year Deliverable Housing Supply Final Assessment 2012 - 2017 Report was published. However, the five year deliverable housing supply assessment was concerned with how many dwellings would be built within 5 years, rather than the total number with planning permission. For example, the developer for the Morley Carr, Yarm planning permission (350 dwellings) had estimated a build out of 120 dwellings within a five year time frame.

It was also relevant that the housing requirement was a 'net' requirement. This meant that it was net of demolitions and other losses to the Borough's dwelling stock. When there was an addition to the number of demolitions / losses that were planned this had to be taken into account. For example, since the previous five year supply assessment a total of 254 demolitions had been approved for Victoria Estate and all of these were scheduled to take place within five years.

At a recent Planning Committee meeting, Members expressed concern that reliance was still being placed on the previous five year housing assessment and requested that recent planning approvals be added in to the next update.

The report used a base date of 31-3-2013. This meant that it did not show that the Section 106 (S.106) Agreement for the Allens West planning application had been signed. This did not alter the delivery assessment for Allens West as this anticipated the signing of the S.106 Agreement. Nor did it make any reference to planning approvals granted since this time.

However, in view of the concerns expressed by Members the report would be updated on a quarterly basis. The base date for the next update was 30-6-2013 which meant that it would be assessing the five year housing supply for the period 1 July 2013 to 30 June 2018. The quarterly update would be done initially on a trial basis to assess whether the commitment of officer time required was proportionate to the benefits of the exercise.

The updated quarterly report would be available late July / early August depending on how soon all of the relevant data was available. In addition to new planning approvals, data regarding housing completions and demolitions / losses would be updated so that the baseline was robust.

However, quarterly reports would not include a new exercise of contacting all developers for updated housing build out schedules. This would continue to be done on an annual basis.

It was noted that no decision notice had been issued regarding the decision of the Planning Committee of 4-6-2013 to grant permission for 370 dwellings at Green Lane, Yarm. This was because an Article 25 Directive had been issued. This meant that the Secretary of State had been asked to call-in the application for his consideration. For this reason this cannot, at the present time, be considered to be either a planning permission or a commitment.

It had been suggested that the authority should review the housing requirement. The housing requirement was stated in the Adopted Core Strategy and could only be changed through the plan process. As part of the Regeneration and Environment LDD process, representations had been made regarding the housing requirement. These had included both expressions of support for a lower requirement and the contention that the requirement should be higher. The preference of the authority was to maintain the average annual housing requirement of 555 dwellings that was stated in the Core Strategy. It was expected that this would form a significant part of the Examination in Public that would be held for the Regeneration and Environment LDD next year.

A change since the previous report was the inclusion of an allowance for windfall sites. This related to small sites and further details were attached to the report.

It had been suggested that the windfall allowance should include provision for bringing empty homes back into uses. Empty properties were taken into account when determining the annual average housing requirement of 555 dwellings through a vacancy rate. There was a need for a certain number of vacant properties to allow for turnover in existing dwelling stock. Bringing properties back into use was part of the normal 'churn' in the housing market and distinct from additions to the dwelling stock as the properties already form part of the dwelling stock.

If bringing empty properties back into use were to be included in the five year supply assessment, then it would also be necessary to include properties becoming vacant over each 12 month period as the housing requirement was a 'net' requirement; that was to say it was net of demolitions and losses. This would be virtually impossible to monitor as whilst it was possible to monitor a snapshot of how many properties were vacant at any given point; a property could be vacant for 1 day, 1 month, 3 months, 3 years and so on.

However, a report would shortly be presented to Cabinet recommending approval for a funded programme to bring long-term empty properties back into use. This programme was intended to run for the lifetime of the New Homes Bonus as this would be, if approved, a definitive funded programme and therefore distinct from the normal churn in the housing market associated with empty properties, consideration was being given as to whether it would be robust to include a supply from this source in a future update of the five year supply assessment.

It was possible that the Review of Planning Practice Guidance led by Lord Taylor, due to report in July 2013, would comment on recommended best practice for carrying out five year supply assessments. If it did then the relevant comments will be taken into account at that point.

RESOLVED that the report be noted.

**CAB
43/13** **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.

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 undertaken to date supported.

**CAB
44/13** **Invest to Save Business Case - Empty Homes**

Consideration was given to a report on Invest to Save Business Case – Empty Homes. As part of the 2012/13 Scrutiny Work Programme the Regeneration and Transport Select Committee recently concluded a review of empty and abandoned residential properties. Following presentation of the review report (on the 07.03.13) Cabinet agreed that during 2013 a business case should be developed to explore an 'invest to save' opportunity to provide additional resources (funded through Council Tax and/or investment reserves) to tackle the problem of empty homes. The report presented the findings of the business

case exercise back to Cabinet and seek a one-off 'invest to save' resource.

A comprehensive financial exercise had been undertaken between Housing and Finance colleagues to determine the financial implications of returning more empty residential properties to use. The range of factors including that had been examined were detailed within the report. The report also highlighted the financial modelling exercise.

Much of the financial modelling could be undertaken against 'firm' data (i.e. council tax charges, the value of the New Homes Bonus) what could not be guaranteed at this stage was the total number of empty homes which would be returned to use and how long each property had been vacant. For the purpose of this 'invest to save' analysis a number of scenarios had been modelled and were detailed as an attachment to the report.

There were risks associated with each of the scenarios detailed in the attachment, the most significant being a low number of empty homes being returned to use. On this basis each scenario was modelled against a conservative estimate. A table within the report provided a summary position financial position over the 2 year period.

Based on the middle option (B), after the £25k 'contingency pot' had been factored (which will fund works in default) the project was expected to deliver a financial benefit to the Council by the end of 2 years (a net additional income of £56,492).

Members noted that should they decide to fund this project over the longer term there was the potential to secure a significant investment return. For example if all 412 empty property units were returned to occupation (as detailed in option B), in 7-year alone the Council would secure a net annual income of £470k.

Given the number of long-term empty properties (which has risen over the last 10 years) there were sufficient properties in the Borough for this project to actively target.

It was proposed to bring a further report back to Cabinet during 2015/16 which would detail:-

- a. The actual number of empty properties returned to use (and the number of residential units this has delivered) against projected estimates.
- b. The total value of income the above has secured for the Council (offset against any lost income from the 150% council tax liabilities).
- c. How the 'contingency pot' has been spent (including the amount which has been repaid/re-cycled and details of any other ongoing recovery activity) and whether this has directly returned any properties to occupation.
- d. Any HCA funding announcements for funding empty homes post March 2015.

This additional detail would allow Members to make an informed decision regarding the cost effectiveness of this invest to save initiative and whether they

wanted to support any further funding.

Cabinet were asked to support a one-off 'invest to save' funding allocation of £92,200. This money would be used to fund a £25k 'contingency pot' to carry out works in default and an additional staff resource for a 2 year period (2014/15 – 2015/16). Works in default include for example remedying unsafe structures, securing properties open for access and carrying out improvement works. Monies spent on works in default were recovered by the Council.

RESOLVED that:-

1. A one-off 'invest to save' resource of £92,200 to be targeted at bringing additional long-term empty properties back into use.
2. It be noted that whilst the project is estimated to deliver a financial income of £56,492 by the end of year 2, it has the potential to bring in a substantial additional income by year 7 (as detailed in paragraphs 7 – 9 and in Appendix 1).
3. A further report be brought back to Cabinet detailing what has been achieved and examining in more detail the case for continuing funding beyond 2015/16.

CAB 45/13 Adult Services and Health Scrutiny - Approach to Monitoring Quality and Response to Francis Inquiry

Consideration was given to a report on Adult Services and Health Scrutiny – Approach to Monitoring Quality and Responses to Francis Inquiry.

The arrangements for quality assurance, and specifically the role of the Adult Services and Health (ASH) Select Committee, had been reviewed in light of public concern, national guidance and inquiries, and the impact of the health reforms. The report summarised work to date and outlined areas for improvement. It also included the response of the health scrutiny function to the relevant recommendations of the Francis Inquiry into the failure of care at Mid-Staffordshire NHS Foundation Trust.

Appendix 1 to the report set out good practice that would be maintained, and some areas for development. Relevant Francis Recommendations were highlighted where appropriate.

RESOLVED that the revised approach to monitoring the quality of local services as outlined at Appendix 1 be noted and endorsed, including the response of the health scrutiny function in relation to the relevant recommendations of the Francis Inquiry.

CAB 46/13 New Health Scrutiny Regulations

Consideration was given to a report on the new health scrutiny regulations

following the introduction of the Health and Social Care Act 2012 and subsequent amendments to the regulations.

The report highlighted the previous position, amendments to legislation and the revised regulations.

The key points of the new regulations were as follows:-

- a) The scope of health scrutiny powers now extends to both NHS and 'all relevant health service providers' – this means public, private or voluntary organisations that deliver services when commissioned by a CCG, NHS England, or local authorities themselves in relation to public health;
- b) The power to undertake health scrutiny is now conferred on a Council as a whole. This can be discharged through establishment of a HOSC or through other arrangements.
- c) The power to make referrals to the Secretary of State is conferred on a Council as a whole. The power of referrals may be delegated to a HOSC or joint committee by Council but not to any other health scrutiny arrangement that may be set up.
- d) Consultations on substantial variations must be led by NHS commissioners (eg. a CCG), whether the proposals come from commissioners or providers originally.
- e) When proposals for substantial variations cover more than one LA area, a joint committee must be formed by those LAs that are consulted. It is only the joint committee that has the right to be consulted and to require NHS attendance at meetings on the matter. However the joint committee itself does not have the power to refer a matter to the Secretary of State unless each Council involved has delegated its power to do so to it.
- f) According to draft guidance, those LAs choosing not to be involved in such a joint committee (ie. by not considering it a substantial matter) forfeit their right to be consulted on the matter and the ability to make a referral to the Secretary of State.
- g) The NHS must publish timescales that set out by when it will decide on which of the options for service change it will implement. The local authority must publish timescales that set out by when it will make a decision as to whether to refer a matter to the Secretary of State, and subsequently by when it intends to make that referral.
- h) Reasonable steps must be taken by the NHS and local authorities to achieve a local resolution to disputes over service changes
- i) Any referrals to the Secretary of State must be evidenced and include an explanation as to how the local authority has considered the effect of the proposal on the sustainability or otherwise of the local health service (eg. regarding quality, safety and financial issues), and an explanation of any steps taken to reach agreement with the consulting body

- j) Normal health scrutiny functions will not apply when either a Trust Special Administrator or a Health Administrator is appointed to a provider of NHS services, when such a provider has become unsustainable.

There was an expectation that NHS England (through the relevant Area Team primarily) would be involved either by health scrutiny or the local CCG in order to assist with the local resolution of any disputes and potential referrals (unless NHS England was itself the commissioner proposing a particular change).

A summary of the revised legal powers and duties relating to health scrutiny were as follows:-

Powers of local authorities

Local authorities may:-

- a) review any matter relating to the planning, provision and operation of health services in their area;
- b) request information from NHS bodies and relevant health service providers;
- c) require attendance of NHS staff and members of relevant health service providers at scrutiny meetings;
- d) make reports and recommendations to NHS bodies, relevant health service providers and the local authority, and expect a response where one is requested within 28 days;
- e) respond to consultations by NHS bodies and relevant health service providers on matters of substantial variations or developments to health services;
- f) refer contested service changes to the Secretary of State on specific grounds. They must provide robust evidence in support of this and publish clear timescales within which the referral will be made;
- g) co-opt representatives onto their health scrutiny arrangements;
- h) delegate health scrutiny powers to another local authority, or to a joint committee of a number of local authorities;
- i) delegate health scrutiny powers to a Health Overview and Scrutiny Committee (HOSC), where one is retained;
- j) delegate some health scrutiny functions where a HOSC has not been retained in favour of an alternative mechanism;
- k) form joint scrutiny arrangements with other local authorities. This is mandatory in relation to proposals for substantial service change.

Duties of NHS bodies and relevant health service providers

NHS bodies and relevant health service providers must:

- a) provide information requested by local authorities, subject to certain exemptions;
- b) attend before local authority scrutiny meetings to answer questions, subject to exemptions;
- c) on request, respond to reports and recommendations made by local authorities within 28 days of the request being made;
- d) consult the local authority (including joint committees) on proposals for

substantial variations or developments to health services;
e) publish timescales for consulting on and implementing substantial variations or developments to services.

In terms of structures there was no requirement to amend Stockton's arrangements following these changes. As the draft guidance makes clear, health scrutiny functions were non-executive functions of the local authority (where an authority operates Executive arrangements).

The draft statutory guidance highlighted the role of health scrutiny in the new health 'system' and post-Francis Inquiry era. The function should provide an ongoing overview of local health services including an emphasis on monitoring quality, in-depth outcome focused reviews of key issues, and a mechanism for testing new proposals to ensure that they remain 'grounded' and address local concerns.

The report outlined the revised duties and powers. A separate report had been produced in relation to an improved approach to monitoring the quality of local health and care provision in more practical terms.

RESOLVED that the revised health scrutiny regulations, the production of draft guidance, and the implications for Stockton be noted.

**CAB
47/13** **Fuel Poverty Partnership**

Consideration was given to a report on the Fuel Poverty Partnership. A scrutiny review was carried out by the Environment Select Committee on Affordable warmth. The recommendations from the review were considered at Cabinet on 7th February 2013 (minute CAB 128/12 refers). One of the agreed recommendations was that a Fuel Poverty Partnership be formed to bring together all key stakeholders which would, as part of its remit, monitor the progress of the Stockton-on-Tees Affordable Warmth Strategy and delivery plan and report to all relevant groups and committees and that detailed terms of reference be developed for approval by the organisations involved. As the lead strategic and delivery body in securing funding and delivering programmes to tackle fuel poverty in the Borough, Stockton on Tees Borough Council should provide the Chair to this Partnership.

As the Fuel Poverty Partnership was emerging there was a thinking that for consistency and profile that the Chair of the Environment Select Committee should be the Chair of the Fuel Poverty Partnership.

RESOLVED that the Chair of the Environment Select Committee be appointed the Chair of the Fuel Poverty Partnership.

**CAB
48/13** **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 on Tees Local Safeguarding Children Board – 11th July 2013

**CAB
49/13**

Welfare Reform - Update and Assessment of Early Impact on Our Borough

Consideration was given to a report that provided an update on the early impact of welfare reform in the Borough.

Members were provided with figures that highlighted early indications of impact and areas of concern following the introduction of the various reforms.

Cabinet also noted the proposed principles and methodology associated with the development of performance indicators, to measure the impact of the reforms. Issues relating to the Local Support Services Framework, which would look to support people, who were vulnerable, to claim universal credit, maintain their claim, get advice on debt and money management and assistance back into work, were also highlighted.

Cabinet was informed of a successful bid submitted to the Big Lottery Fund, by Stockton Advice and Information Service. The funding coming from the bid would assist with setting up Stockton Welfare Advice Network (SWAN), which would be a partnership of advice agencies coming together through meetings and electronic communication to share information and resources. Stockton Borough Council had been asked to be part of a steering group to oversee the development of the partnership and formally sign up to supporting it.

RESOLVED that:-

1. the contents of the report be noted;
2. the development of performance indicators to measure impact be noted.
3. Issues concerning the development of the Local Services Support Framework be noted
4. Members agree to support the developing SWAN partnership and delegate authority to the Head of Housing, as the Council's lead officer on welfare reform, to sign up to the partnership on behalf of SBC.

**CAB
50/13**

Local Strategic Partnership

Consideration was given to a report on the proposals for updating the strategic document for the LSP, the partnership arrangements and infrastructure. The proposals took account of changes in statutory requirements associated with the current LSP infrastructure and discussions with stakeholders.

The recommendations presented took account of all of these changes and

feedback.

The report also included summary information relating to the review of the Compact, which was an agreement that aimed to ensure that the partners within the LSP infrastructure work effectively to achieve common goals and outcomes for the benefit of local residents.

The proposed new infrastructure for the LSP was shown diagrammatically and attached to the report with accountability lines, relationships and key strategic documents clearly indicated.

With regard to the next steps the Community Engagement Team and Democratic Services would:-

- make the necessary changes to the various terms of reference
- work with Catalyst to communicate the Cabinet decision to the voluntary and community sector
- work with Catalyst to ensure selection of representatives to the remaining thematic partnerships and election to the Area Partnerships (following the development of the role descriptors and training)
- communicate the Cabinet decision to all of the relevant stakeholders within the LSP infrastructure
- instigate discussions with Infinity and the Campus Stockton Collaborative
- make the necessary amendments to the 'Outside Bodies' list
- make the necessary amendments to the Cabinet report template and advise officers

It was outlined that The Compact was an agreement amongst the partners within the LSP infrastructure to comply with a set of shared principles and joint commitments to build relationships and work together effectively. The authority and its partners had historically signed up to the Compact, which was due for renewal in 2012. Agreement was reached with the VCS that any review of the Compact should take place after the refresh of the LSP.

There was a national Compact in place and it was supported nationally and locally by Compact Voice. It was essentially a set of principles, agreed by the statutory, voluntary and community sectors, whereby all parties agree to work together, recognise and value the diversity that exists in society generally and in Stockton-on-Tees. It could cover a variety of factors including consultation, representation of the Third Sector, commissioning etc.

The review of the Compact was part of the business plan for 13/14 for the Policy, Improvement and Engagement and would be presented to Cabinet for approval.

In light of the on-going changes impacting on all sectors represented within the LSP infrastructure it was recommended that these arrangements were subject to review in 2015.

RESOLVED that:-

1. The revised approach to the Local Strategic Partnership be agreed.
2. A further review of the LSP arrangements in 2015 be agreed.
3. It be agreed to replace the Sustainable Community Strategy as the key strategic document for the LSP with the Family Poverty Framework renamed as 'A Brighter Borough for All – Tackling Family Poverty across Stockton-on-Tees'.
4. The separate branding for Stockton Renaissance be abolished with the arrangements named as Stockton Local Strategic Partnership and Area Partnerships as Locality Forums be agreed.
5. The arrangements for reviewing the Compact be noted.

**CAB
51/13** **Alteration to the Scheme of Delegation**

Consideration was given to a report on an alteration to the Scheme of Delegation. The Government had introduced new permitted development rights for a 3 year period which required prior notification to the Local Planning Authority if the applicant had not been formally notified of a decision by the last day of the statutory period for determination.

The Council's scheme of delegation authorised the Head of Planning to determine applications which did not generate more than 5 individual letters of representation contrary to the officer recommendation. There was genuine concern that there may be situations arising under the new prior notification process where more than 5 individual letters of representation were received contrary to the officer recommendation but the application could not be reported for determination by the Planning Committee before the expiry of the statutory period for determination and the deemed approval provisions would take effect.

The report examined the new issue and proposed alterations to the Scheme of Delegation to make it possible for prior notification applications to be determined lawfully within the statutory time period and prevent prior approval being obtained via the deemed approval provisions.

The issues had been considered by the Planning Committee on 29th May 2013 when Members supported the proposed alteration to the Scheme of Delegation subject to the situation being monitored and reported back to the Planning Committee.

If the Local Planning Authority were unable to decide a prior notification application within the statutory time period this situation would be clearly contrary to the rules of natural justice. This would be totally unsatisfactory for neighbours if their representations cannot be properly considered.

The Secretary of State for Communities and Local Government had indicated that it was up to the Local Planning Authority to determine how it wished to determine prior notification applications.

The proposed change would still result in the officer scrutiny applied under the existing scheme of determination of applications under delegated powers as

indicated below.

Each application required the signature of the case officer, and the Area Team Leader / Major Projects Officer from one of the other teams. During the course of a prior notification application, case officers would liaise with their own line manager to discuss the case and recommendation. Therefore to ensure consistency in decision making and for an independent view, another team leader must act as signatory on the delegated decision, i.e. they cannot sign off their own team members' decisions.

Applications recommended for refusal, in addition to the 2 signatures above, would require to have a 3rd signature, that of the Development Services Manager to ensure consistent decision making across the teams and as a way of monitoring performance with regards to appeals.

In conclusion it was therefore recommended that the Head of Planning is authorised to determine all applications for prior notification. The revised scheme of delegation would ensure transparency, probity, fairness and consistency in decision making, and lead to continued improvements in performance.

RECOMMENDED to Council that the Head of Planning be authorised to determine all applications for prior notification and the proposed change to the scheme of delegation be incorporated into the Council's Constitution.

**CAB
52/13 Green Deal Energy Company Obligation Update**

Consideration was given to a report relating to the progress of the partnership created to deliver external wall insulation measures to private sector homes across Stockton on Tees via the national Energy Company Obligation.

The report also described financial implications associated with a technical issue that had arisen in respect of the scheme.

RESOLVED that

1. the progress of the Community Energy Saving Programme and Energy Company Obligation schemes, the delay to the scheme, and the actions taken to enable Community Energy Solutions to restart work.
2. the potential further financial implications of the complications described in the report. These financial implications would be considered in more detail as part of the medium term financial plan to a future meeting.

**CAB
53/13 Exclusion of the Public**

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the

grounds that they involved the likely disclosure of exempt information as defined in paragraphs 3 of Part 1 of Schedule 12A of the Act.

**CAB
54/13**

Green Deal Energy Company Obligation Update Exempt Appendix

This was Appendix A for the Green Deal Energy Company Obligation Update item. It contained exempt information as defined in Paragraph 3 of Schedule 12A of the Local Government Act 1972. See previous minute for record of decision.