

## **Cabinet**

A meeting of Cabinet was held on Thursday, 3rd December, 2015.

**Present:** Cllr Robert Cook (Chair), Cllr Jim Beall, Cllr Nigel Cooke, Cllr Mrs Ann McCoy, Cllr Steve Nelson and Cllr Michael Smith.

**Officers:** N Schneider (CE), J Danks, G Cummings (R); P Dobson, R Kench, R McGuckin,(DNS); J Humphreys, L Hanley (CESC); P Kelly (PH) D E Bond, M Waggott, G Birtle, P K Bell (LD).

**Also in attendance:** Cllr Paul Baker (Chair of the Crime and Disorder Select Committee), Cllr Chris Clough, Cllr Lynn Hall, Cllr Mrs Sylvia Walmsley, Cllr Barry Woodhouse, Colin Leckonby - Billingham Resident, Kevin Bowler - Lead Petitioner Abolition of Billingham Town Council

**Apologies:** Cllr Norma Wilburn.

### **CAB 71/15**      **Declarations of Interest**

Councillor Nelson declared a personal non prejudicial interest in respect of agenda item 7 – Welfare Reform Update as he was a member of Tristar Board.

Councillor Mrs McCoy declared a personal non prejudicial interest in respect of agenda item 7 – Welfare Reform Update as she was a member of SDAIS.

Councillor Nelson declared a personal non prejudicial interest in respect of agenda item 13 – Northshore Gateway Site as he was a member of Tristar Board.

Councillor Beall declared a personal non prejudicial interest in respect of agenda item 13 – Northshore Gateway Site as he a property he owned was located within Northshore.

Councillor Nelson declared a personal non prejudicial interest in respect of agenda item 15 - Review of the Statement of Principles for Gambling Premises as he was a member of Grosvenor Casino.

Councillor Mrs McCoy declared a personal prejudicial interest in respect of agenda item 17 – Community Governance Reviews - Billingham Town Council and Elton Parish Council as she was a member of Billingham Town Council. Councillor Mrs McCoy withdrew from the meeting and left the room during consideration of the item.

### **CAB 72/15**      **Minutes**

Consideration was given to the minutes of the meeting held on 12th November 2015.

RESOLVED that the minutes of the meeting held on 12th November 2015 be confirmed and signed as a correct record.

### **CAB 73/15**      **Care Act 2014 - Charging Policy Review**

Consideration was given to a report on Care Act 2014 – Charging Policy Review.

The report presented the details of the review of the current Charging Policy, in line with the Cabinet agreement on 12th February 2015 to defer consideration of any changes in line with the implementation of the Care Act until later in 2015.

The current charging policy was Care Act compliant, but there were a number of discretionary elements in the new regulations to be considered. These were attached to the report.

Although the proposed Care Act funding reforms had been deferred until 2020, the Department of Health had confirmed that the Charging Regulations were to be reviewed, for implementation in April 2018.

RESOLVED that:-

1. The report be received.
2. The progress that has been made in ensuring compliance of the Charging Policy with the legislative changes that came into effect on 1 April 2015 be noted, the detail of which is shown in the Appendix to the report.
3. The following areas of the Charging Policy be approved for consultation:-
  - a. The maximum amount payable towards care and support at home.
  - b. The extension of the deferred payment scheme to those who do not meet the mandatory criteria, where it is appropriate to do so.
  - c. The introduction of administration fees for the deferred payments scheme.
  - d. The level of interest rates for the deferred payment scheme.

**CAB  
74/15**

### **Medium Term Financial Plan update - September 2015**

Consideration was given to a report that set out the financial position for the Council as at 30 September 2015. It also provided an update on developments that may have an impact on the Medium Term Financial Plan.

A table within the report summarised the MTFP position for each service. The reasons for any significant projected variances were detailed within the report.

The projections showed that overall the Big Ticket Reviews were delivering within the allocated growth provision in the MTFP, with a combined saving of £101,000, although this represented a reduced level of saving from that reported previously. The MTFP (Big Ticket) position would be reviewed in detail as part of the update to the MTFP to be presented to Cabinet in January 2016.

The previous report to Members highlighted that General Fund Balances were at a level £151,000 in excess of the required 3% level.

The position had been updated to the 30th September and the balance in excess of the 3% requirement had increased by £255,000 to £406,000. This increase was largely due to the receipt of a New Burdens Grant in respect of a legal settlement impacting on Land Charges. A sum had previously been set aside in balances to cover the projected costs of settling the land charge claims and this would no longer be required following receipt of the grant. The updated

projected balance of £406,000 was available to be considered as part of the 2016/17 MTFP process.

The position with regard to balances would continue to be monitored closely and considered as part of the 2016/17 budget process.

The updated capital programme was summarised in the table within the report and further detail attached to the report.

RESOLVED that the updated Medium Term Financial Plan (MTFP), Capital Programme and current level of General Fund balances be noted.

**CAB  
75/15      Q2 Performance Report**

Consideration was given to a report that provided details of the Council's performance for the period to the end of Q2 2015/16, highlighting key achievements, areas for improvement and proposed actions.

The report also included information relating to Freedom of Information requests, complaints and commendations and the staff suggestion scheme. Whilst it aimed to give a perspective on the overall performance of the Council, its primary focus is on the achievement of the success measures and associated targets agreed as part of the development of the Council Plan 2015/18.

Performance was reported by theme against the success measures and targets agreed as part of the development of the Council Plan 2015/18. The tables within the report provided details of performance at the half-year stage to the end of September 2015.

Table 1 within the report showed the overall performance for all success measures. This overall performance was a collation of the results for each of the nine Council Plan themes. Table 2 showed the overall performance for all success measures, apart from those that did not have performance data available or where an annual target hadn't been set. Again, this overall performance was a collation of the results for each of the nine Council Plan themes.

At the halfway stage of the year, 68% of the success measures reported had achieved or were on track to achieve their annual targets. This was the same percentage of 68% having achieved or being on track to achieve their annual targets at the same time in 2014/15.

The nine thematic summaries provided a greater level of detail of achievements and progress against each of the themes, such as that captured in reports to Cabinet and Select Committees and reported through the local press and in Stockton News. These were attached to the report.

RESOLVED that the levels of performance and proposed actions be noted.

**CAB      Welfare Reform Update – Q2 2015-16**

Consideration was given to a report that presented an update on monitoring of the outcomes / impact of Welfare Reform and a summary of actions undertaken to mitigate against circumstances arising from the implementation of the Welfare Reform Act.

Quarterly reports on Welfare Reform had been provided to Cabinet since 2013, providing information on a range of indicators which showed how welfare reforms were impacting on residents and service provision across the borough. These reports had also included detail on any updates the Council had received with regard to the further roll-out of welfare reform and interventions the Council was making to manage its impact on the residents.

As part of the existing monitoring arrangements, new or unexpected trends had emerged such as activity around benefit sanctions, the use of local food banks and shifts in the rented housing sector from social to private landlords.

Following feedback received on previous quarterly reports, at Q4 2014/15 there was a review of the large range of information previously provided to ensure that it was more focussed and easier to follow, yet continued to provide an accurate and robust summary of welfare reform issues. The report continued to use that more focussed range of information.

The Association of North East Councils (ANEC) had commissioned the Institute of Local Governance (ILG) to undertake a piece of work monitoring the impact of welfare reform across the region. The outcomes from that research work would be useful in understanding the local impact of welfare reform and whether it differed from the impact sub-regionally and across the wider region. As part of that research work, a basket of monitoring indicators had been developed which would be collected from all participating local authorities.

To support the ILG research work, the basket of monitoring indicators that they had developed had been entirely included within the monitoring framework attached to the report, with each of those measures clearly labelled.

**RESOLVED that:-**

1. The contents of the report be noted.
2. The performance monitoring outcomes and observations provided be noted.

**RECOMMENDED to Council that:-**

- 3. The current local Council Tax Support Scheme for the financial year 2016/17 be retained.**

### **Preston Park Museum & Grounds update**

Consideration was given to a report that provided an update on the development and delivery of Preston Park Museum and Grounds following the completion of the main refurbishment project. It also presented opportunities for future development of both the museum and the wider park as a visitor

attraction through potential improvements in infrastructure and the restoration of the heritage landscape.

In the four years since re-opening, Preston Hall had become a popular and well supported visitor attraction drawing in customers from well beyond the boundaries of the Borough. The completion of the Carriage Sheds in 2015 would see the final part of the project to refurbish and re-engineer the Museum, providing new displays, improved access and improvements to the Victorian Street. There were still challenges to face and the continued success of the site depended on maintaining customer numbers as well as achieving income targets.

It was important for both the Museum and the Park to continue to develop and to offer an integrated, complementary experience. Resilience was a challenge and new funding strategies and the potential to enhance the physical landscape and the facilities within it were important considerations for the future.

RESOLVED that:-

1. The continued development of Preston Hall following the refurbishment project be noted.
2. Further exploration of potential improvements to Preston Park through an updated Master Plan and the delivery of the museum through continued development of the visitor offer be supported.
3. Further exploration of the potential for a bid to the Heritage Lottery "Parks for People" Fund, giving consideration to the potential need for match funding be supported.

**CAB  
78/15**      **Review of Open Access Provision for 11-19 Year Olds within  
Stockton-on-Tees**

Consideration was given to a report on the review of provision for 11 to 19 year olds Within Stockton on Tees.

The Universal / Open-Access Youth Provision was a Stockton Borough Council (SBC) in-house delivered service that operated at locations across the borough and operated in a way that many would describe as the traditional 'youth clubs.' The service costs circa £470,000. In addition the Council provided subsidy and supported a range of organisations who provided culture and leisure opportunities for 11-19 year olds.

The report sought support for the principle of focusing the Council's Open Access Youth Provision resources on the guidance and support to young people, rather than on the activities and settings in which that guidance and support was provided. This was based on a belief that there were suitable settings which were subsidised by the Council or run by partners who shared the objectives for supporting young people.

The review affected 3 full time posts, 2 part time posts, and 30 sessional staff members involved in delivering the service.

RESOLVED that:-

1. The principle of focussing Open Access Youth Service resources on the provision of advice and guidance to young people be endorsed, rather than on the settings and activities within which this support is provided.
2. Officers be authorised to explore in detail and consult upon the proposed service delivery options, and present a further report to Cabinet.

**CAB 79/15 LA Nominations for consideration at Cabinet on 3 December 2015**

In accordance with the procedure for the appointment of school / academy governors, approved as Minute CAB27/13 of the Cabinet (13 June 2013), Cabinet was invited to consider the nominations to school / academy Governing Bodies.

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

Pentland Primary School - Councillor Ann McCoy  
Roseberry Primary School – Mr K Davies  
St John the Evangelist RC Primary School – Mr R Fawcett

**CAB 80/15 The Use and Control of Activities in our Town Centres**

Consideration was given to a report on approval to establish policy guidelines to coordinate and manage activities taking place within Stockton's town centres, including promotional activities, the marketing of goods and services and research / canvassing purposes.

Ensuring that the high streets and town centres can thrive requires the provision of not only a range of essential shops and services, but attractions and activities that help ensure that they are a social place and encourage a vibrant economy.

In addition to celebrating the role that markets / specialist markets play in re-energising the high street, the report looked at the role street traders, pedlers, buskers and other activities had in enhancing the vibrancy and attractiveness of high streets and Town Centres.

It had long been recognised that thriving markets, entertainers and street traders add to the variety and joie de vivre of our High Streets, the diversity of shopping opportunities, and the character of the neighbourhoods in which they were located.

In addition, these types of activities can provide valuable employment / volunteering opportunities for local people as well as in some cases be a seedbed of entrepreneurship.

Activities on the High Street and in the Town Centres should contribute positively to the public realm, this was vital if the Council was to be successful in creating environments that people want to visit, socialise, live and work in.

Equally activities should satisfy demand, by providing goods, services, entertainment or information that was required.

To that end Stockton-On-Tees Borough Council wanted to establish a policy framework within which a range of activities were considered, encouraged and permitted where appropriate. However these permissions should not detract from for example the quiet enjoyment of residential areas, or the unhindered enjoyment, specific fixed or temporary installations of art or the performing arts.

Demand for use of the highway in our town centres by external organisations had increased significantly, especially following completion of the recent regeneration schemes. The benefits to an organisation in using the highway for promotional activities were clear in terms of providing access to a large footfall. Organisations do not incur overheads and business rates by operating in such areas. Examples of organisations operating in this manner in town centres include charities, the armed forces, and commercial organisations, for example Sky TV, mobile phone operators, religious and political organisations.

However, with an increased number of organisations wanting to operate in town centre areas, it would be prudent to set policy guidelines to avoid uncontrolled and inappropriate activity that would detrimentally impact upon visitors enjoyment and experience. Many local authorities across the UK and a number of Welsh authorities had developed policy frameworks which allowed them to licence and manage town centre activities.

Attached to the report were the proposed policy guidelines for consideration.

RESOLVED that:-

1. The draft policy guidelines attached at Appendices 1- 4 be approved for consultation with key stakeholders.
2. Final approval of the guidelines be delegated to Director of Public Health and Head of Economic Growth and Development Services in consultation with relevant Cabinet Members.

**CAB 81/15      Regeneration & Environment Local Plan (RELP) Evidence Base Review**

Consideration was given to a report that sought agreement for a review of the evidence base that informed the Regeneration & Environment Local Plan (RELP) prior to its submission to the Secretary of State for examination-in-public. It explained that the reasons for delay in the plan-making process were largely a result of constant change at a national level in planning legislation and guidance, which had incrementally changed the approach to plan-making and the range and level of evidence required to support it in a fundamental way.

This had undermined the development strategies that the adopted Core Strategy set out for the borough in 2010. The report also made it clear that an updated plan was unlikely to resolve the issue of a lack of a five year supply of land for housing. It contained a timetable for the review of the evidence base, an

assessment of the implications of the revised evidence and, if necessary, a re-draft and re-consultation on a further version of the Publication RELP but also pointed out that this timetable may change for a variety of reasons. Finally it concluded that the outcome of the review may be that the Council needs a new local plan rather than amend the RELP.

If the evidence review indicated that the existing plan was basically sound with some minor revisions then the following timetable was proposed:-

- Evidence gathering, evidence review and re-draft of plan – January to September 2016.
- Cabinet & Council approval for 2nd Publication Consultation – October 2016.
- 2nd Publication Consultation – October to December 2016.
- Cabinet & Council approval for Submission of RELP for Examination – March 2017.
- Submission of RELP to Secretary of State for Examination – March 2017.
- Examination-in-public – July 2017.
- Adoption – November 2017.

If the evidence indicated a new local plan was required; a further report would be brought to Cabinet in September 2016 to explain the results of the new evidence and their implications for plan-making

RESOLVED that:-

1. The evidence base informing the planning policies in the RELP be reviewed.
2. A revised timetable for the review, the assessment of the implications of that new evidence, and, if necessary, a re-draft and re-consultation on the RELP before submitting it to the Secretary of State for Examination-in-Public.

## **CAB 82/15 North Shore Gateway Site**

Consideration was given to a report that followed on from a previous report to Cabinet on 4th December 2014 and provided an update on progress of regeneration proposals for the Northshore Gateway site and sought authority to use the Councils Compulsory Purchase Order powers to acquire the vacant and dilapidated former Kwik Fit building. This was shown as an attachment to the report.

A key component of the Northshore development was the gateway site marked A1 on an attachment to the report. Authority to use the Councils Compulsory Purchase Order (CPO) powers was sought at Cabinet in December 2014 pending further work on a site specific development plan which would benefit both the town centre and North Shore.

The use of CPO powers was specifically related to the need to purchase a prominently located building complex, the former Kwik Fit site, Church Road, Stockton. The property was required to complete the ownership of the Northshore Gateway site thus enabling its future development.

The property itself had been vacant for a number of years and was considered to be in a dilapidated state of repair. The building was therefore considered to be detrimental to the development of Northshore and, given its close proximity to the Town Centre on a route directly leading to the High Street of detriment to the significant private investment being made by adjacent business on Church Road.

Since December 2014, continued efforts had been made by Council officers to acquire the property, utilising HCA funding support with a view to transfer of the property to HCA ownership once acquired. Attempts to open negotiations with the property owners continued with the aim of completing a commercial deal without the added delay of a CPO procedure. The present owner having been in control of the property for some considerable time was fully aware of the Northshore Regeneration plans and at last contact maintained an unrealistically high valuation of the property; as a result agreement to a commercial sale may prove difficult to conclude.

RESOLVED that:-

1. The acquisition of the land outlined in red in Appendix B will facilitate the carrying out of the development, redevelopment or improvement on or in relation to the land and that the development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area.
2. The use of the Council's Compulsory Purchase powers under section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) be approved to acquire all necessary interests outlined in red in Appendix B to support the implementation of the wider redevelopment of the Northshore Gateway site.
3. The instigation of all actions necessary be approved in accordance with the serving of Requisitions for Information, the making of the CPO, the representation of the Council in relation to any Inquiry, the confirmation of the CPO, the actions necessary following the confirmation of the CPO either by the authority or the Secretary of State, and consequent orders or actions including the service of Notices to Treat or the making of a General Vesting Declaration , and all other notices, orders or actions required to give effect to the authorisation to acquire the land compulsorily.

**CAB**      **Scrutiny Review of River Tees Crossing**  
**83/15**     **Infrastructure**

Consideration was given to a report on the Scrutiny Review of River Tees Crossing Infrastructure.

The Crime and Disorder Select Committee examined arrangements for the maintenance of the Boroughs' main bridges and to provide reassurances and recommendations on those arrangements.

RESOLVED that:-

1. A robust asset management plan be developed for the bridges and structures in Stockton Borough.
2. A linked five year investment strategy be developed for the bridges and structures based upon the asset management plan.
3. An appropriate level of resourcing be applied for the development and delivery of the asset management plan
4. The asset management plan ensures its delivery needs are risk based and recognises the economic significance of those assets.
5. Subject to further detailed discussions with Middlesbrough Council, Cabinet consider at a future meeting, proposals for a new joint arrangement that will reflect a revised financial structure for the maintenance of the River Tees crossings, under which Stockton will assume responsibility for the Newport Bridge and Middlesbrough will assume a reciprocal responsibility for the Transporter Bridge.
6. A further review of redundant bridges and structures with a view to disposing of, or demolishing those redundant assets if feasible and cost effective.
7. Monitoring of Teesside Park access takes place biannually as opposed to annually.

**CAB  
84/15**

### **Review of the Statement of Principles for Gambling Premises in Stockton.**

Consideration was given to a report on the Review of the Statement of Principles for Gambling Premises.

The Authority was required by the Gambling Act 2005 to publish a statement of the principles that it proposed to apply when exercising its functions under the Act, in the form of a Gambling Policy. This policy statement must be published every three years. The Council's policy statement took effect in January 2013 and was due for review.

The purpose of the report was for Members to consider the views and comments received from the Licensing Committee and other interested parties following consultation on the proposed revised policy.

Consultation closed on the 20 October 2015. A small number of responses were received including substantive comments from Luxury Leisure Limited, Gosschalks Solicitors (on behalf of the Association of British Bookmakers) and Coral Racing Limited

The policy and comments received were considered at the Licensing Committee held on the 20 October 2015 when consideration was given to amending the draft policy to take account of some of the points raised. These changes had been incorporated into the final draft policy attached to the report.

The main changes to the policy were detailed within the report.

Further minor changes had been made to the draft policy following the comments received during the consultation exercise. These were detailed within the report.

A copy of the final draft policy was attached to the report.

**RECOMMENDED to Council that the revised Statement of Principles for Gambling Premise as presented in Appendix 1 be approved.**

**CAB 85/15      Review of Statement of Licensing Policy made under the Licensing Act 2003.**

Consideration was given to a report on the Review of the Statement of Licensing Policy Made Under the Licensing Act 2003.

The Authority was required by the Licensing Act 2003 to publish a Statement of Licensing Policy that set out its guiding principles for making licensing decisions under the Act. The Statement of Licensing Policy needed to be renewed every five years. The Policy Statement took effect in January 2011 and was due for renewal in January 2016.

Following the Licensing Committee meeting on 15 July 2015, consultation on the revised draft was commenced with the publication of a newspaper advert and the draft Policy being placed on the Council's website. Contact was made with a number of interested parties, including all responsible authorities, existing premises licence and club premises certificate holders, trade bodies and associations and community groups and residents associations. In total, only three responses were received.

The responses received and the revised draft were considered by the Licensing Committee at their meeting on 20 October 2015, and it was agreed that the revised Policy be passed onto Cabinet and Council for final approval.

The main changes to the Policy Statement from the 2011 version were summarised within the report.

**RECOMMENDED to Council that the Licensing Act 2003 Statement of Licensing Policy as presented in Appendix 1 be approved.**

**CAB 86/15      Community Governance Reviews - Billingham Town Council and Elton Parish Council**

Consideration was given to a report that presented feedback from consultation with stakeholders and all local government electors in the areas of Billingham Town Council and Elton Parish Council and invited comments on next steps.

Following receipt of a petition which called for the abolition of Billingham Town Council, a Community Governance Review commenced. The opportunity was also taken to conduct a Community Governance Review in relation to Elton Parish Council.

A community Governance review enabled a principal council to review and put in place new arrangements, making changes to current community governance systems and structures, for example by creating, merging, abolishing or changing parish or town councils in the review area.

The Government had emphasized that the aim of a review should be to bring about improved community engagement, more cohesive communities, better local democracy, and result in more effective and convenient delivery of services.

The timetable approved by Cabinet and Council recognised that a review must conclude within 12 months from receipt of a valid petition (received 26 June 2015).

The key stages of the reviews were as follows:-

Consultation with all Local Government Electors in the area 17.9.15 – 31.10.15 complete

Consideration of the wider forms of Community Governance in the area 17.9.15 – 31.10.15 complete

Initial findings are considered and draft proposals presented for consideration by CMT 09.11.15 complete

Cabinet meeting 03.12.15 will consider findings.

Draft recommendations to Council 20.1.16

Consult on draft proposals 21.1.16 to 17.2.16

Final recommendation to Cabinet 17.3.16

Final recommendation to Council 27.04.16

Final Recommendations and reasons for the decision published and stakeholders informed on 28.04.16

Recommendations implemented from 28.04.16

Implementation of any proposed abolition of Billingham Town Council and Elton Parish Council would be dependent upon the time it would take to finalise and publish a re-organisation order.

An integral part of the review was to consult with the local government electors for the area under review and any other person or body, including a local authority (i.e. the Town Council) who appeared to have an interest in it.

The consultation feedback was detailed within the report. Whilst there was support for abolition in both cases, there was support for retaining both Councils. In relation to Elton, a number of individuals had expressed an interest in becoming a Parish Councillor.

Following Cabinet's consideration, Council at their meeting on the 20.1.16 would consider Cabinet's draft proposals prior to consultation during the period 21.1.16 – 17.2.16. Final recommendations would be reported to Cabinet 17.3.16 and Council on 27.4.16. Decisions would be published and stakeholders informed on the 28.4.16.

The lead petitioner for the petition which called for the abolition of Billingham Town Council; a Billingham resident and a Ward Councillor were in attendance at the meeting and were given the opportunity to address Members.

**RECOMMENDED to Council that:-**

- 1. Billingham Town Council be retained.**
- 2. Elton Parish Council be retained and a process to elect Members be commenced, following final Council approval, but that if this process and any necessary co-option does not deliver a Parish Council that is quorate then the required action should be taken to secure the dissolution of Elton Parish and the abolition of the Parish Council.**