

## **Cabinet**

A meeting of Cabinet was held on Thursday, 4th January, 2007.

**Present:** Cllr R Gibson (Chairman, Cllr D Coleman, Cllr Mrs P A Cains, Cllr B Cook, Cllr A Cunningham, Cllr E Johnson, Cllr P Kirton, Cllr K Leonard, Cllr S Nelson, Cllr Mrs J O'Donnell

**Officers:** N. Schneider, I. Thompson, C. Straughan, L. McDonald, B. Buckley (DNS); A. Baxter (CESC); J. Danks, P. Saunders (R); J. Grant, J. Trainer, S. Whalley, N. Hart (LD)

**Also in attendance:** Cllr K. Lupton, Cllr W. Woodhead, Cllr C. Leckonby, Cllr R. Cains, Cllr M. Frankland, Cllr Mrs J. Beaumont and Cllr Fletcher

**Apologies:**

### **856 Declarations of Interest**

Councillor Cunningham declared a personal, non prejudicial interest in respect of item 3 entitled 'Review of Street Lighting' and item 6 entitled 'Regional Economic Strategy Action Plan Consultation Responses' as he worked as an energy consultant.

Cllr Mrs O' Donnell declared a personal, non prejudicial interest in respect of item 7 entitled 'Billingham Forum Update' as she was a Member of Tees Active Management Board.

Councillors Leonard and Nelson declared personal, non prejudicial interests in respect of item 12 entitled 'Medium Term Financial Plan' as they were both Members of Tristar Homes Limited Management Board.

### **857 Street Lighting**

Cabinet was informed that the Environment and Regeneration Select Committee had been tasked with examining Stockton Borough Council's street lighting services. The Committee was asked to address issues relating particularly to service costs incurred as a result of rising energy prices and an ageing stock, with increasing maintenance requirements.

The Committee also considered strategic and operational issues relating to service efficiency, sustainability, community safety and customer satisfaction as additional concerns.

Members initially received a technical overview of the service, in recognition of the highly complex nature of the subject. This was followed by receipt of oral and written evidence from SBC Street Lighting Engineers, Financial Officers and Officers from Regeneration. Members also received evidence from external witnesses i.e Websters (DWL) and Integrated Utility Services, who were partly responsible for the Distribution Network. The Committee was unable to take evidence from Northern Electrical Distribution Ltd.

The Committee also considered desk based comparative and information gathering work relating to various schemes operated by other Councils in the same family group, and considered national 'best practice' guidance in terms of

energy efficiency and general operation of the service.

The Committee was happy that SBC was achieving best value for money in terms of energy procurement, but noted the shortfall in the 2006/07 budget as a result of rising energy costs, that was covered by the repairs and maintenance budget. The Committee recognised the concerns, in both the short and long term, of rising energy costs and SBC's ageing street lighting stock. Members also noted the need to create a fuller and more coherent policy for management of the service, and a requirement to undertake a comprehensive data verification exercise in order to fully calculate the required investment level.

It was also noted that trials were ongoing to experiment with mechanisms to reduce energy costs, and that successful trials should be rolled out across the Borough in order to achieve energy efficiencies.

It was stressed though, that any experiments with dimming or reduction of street lighting should be undertaken in full consultation with safer Stockton partnership and the local communities in order that safety in the community was not compromised.

Members were also keen to ensure that the performance indicators outlined in the Webster's Partnership Agreement were measured and updated on a regular basis to ensure that the partnership was providing the best value for service and value for money.

RESOLVED that

1. a data verification exercise be undertaken to determine the condition of stock, to begin by the start of the next financial year.
2. performance figures encompassed in DWL Partnership Agreement be recorded for the duration of the arrangement in order to ensure that the partnership was achieving good value for money.
3. a cost benefit ratio be created for different scenarios relating to investment and replacement, to include an investigation of the potential of utilising the software, created by Jacobs Babbie for Telford & Wrekin Council, for this purpose.
4. a policy document based on the recommendations outlined in the UK Lighting Board's Code of Practice for Highway Lighting Management be produced.
5. an assessment of the level of finance required, based on stock condition and outcome of cost benefit ratio (see recommendations 2 & 3) be undertaken.
6. a Business Case outlining the preferred option for investment be created.
7. an advert be placed in a national journal inviting expressions of interest from companies interested in entering into an agreement for the advertising rights on street columns.
8. Officers fully explore the options outlined in the 'invest to save' document.

9. a report of the conclusions of the dimming trial be reported back to Environment and Regeneration Select Committee and Safer Stockton Partnership in 2007.

The 'call-in' period ending at Midnight on Friday 12th January 2006 applies.

**858 Review of Corporate Consultation-Report of Corporate Policy Review Select Committee**

Cabinet was informed that the Corporate Policy Select Committee had been tasked with reviewing the Council's approach to corporate consultation.

Recent years had seen the growth of the consultation culture. In order to avoid a fragmented approach and a consequent rise in consultation fatigue, many public bodies had prepared Consultation or Public Engagement Strategies. Stockton-on-Tees Borough Council's Consultation Strategy was produced in 2000 and a review of the Council's approach to corporate consultation was therefore considered timely to examine whether the Strategy was fit for purpose and to identify any improvements.

The Committee agreed to adopt a phased approach to the review. The purpose of the first stage was to set the review in context by gathering evidence on best practice and understanding the Council's consultation arrangements. The purpose of the second stage was to examine specific consultation "case studies" taking evidence from departmental managers. The Committee chose to examine four consultation exercises in greater detail. In addition, the Committee sought the views of the Adult and Youth Viewpoint Panels through a series of focus groups and also conducted a Member survey. Input was also obtained from Policy Officers' Group on the Committee's initial conclusions and recommendations.

A copy of the Select Committee's report was provided for Members' consideration.

RESOLVED that

1. co-ordination of consultation arrangements be strengthened by extending the remit of the Policy Officers' Group to fulfil the following roles:

- to disseminate best practice
- to regularly review the Consultation Plan
- to audit a sample of consultations
- to conduct post consultation review

2. services be reminded of the importance of notifying the Consultation Unit of all consultations before consultation takes place and of keeping the Consultation Plan fully up to date.

3. the Consultation Plan be developed as a communication tool and made widely accessible through the Internet/Intranet including links to consultation results and Business Case/ Project Plans.

4. a Business Case/ Project Plan be prepared by the lead officer for significant consultations (determined by an assessment of risk and the scale of the consultation) and that the Business Case/ Project Plan identify opportunities for joint working, include an assessment of costs and set out how the consultation results and outcomes would be fed back to consultees.

5. training on consultation be compulsory for staff directly involved in organising and running consultations.

6. a robust post consultation review process be established to enable the Council to learn for future consultation activities (working, as appropriate, with local Councillors/partner agencies/other Local Authorities for greater challenge and independence).

7. all Members be asked for feedback on consultation activity annually.

8. a link to the Consultation Plan be emailed quarterly to all Members and summary information relating to the previous and next quarter consultations be reported to Executive Scrutiny Committee as part of its quarterly performance report

9. the Concordat for Communication and Consultation with Members be revised to ensure that Councillors are notified of consultation proposed in their ward before the consultation commences and is in the public domain.

10. the Consultation Plan be shared with key partners on a quarterly basis and extended to include a section for consultations undertaken by Renaissance.

11. a revised Consultation Strategy be prepared taking into account the outcomes of the scrutiny review and that the revised Strategy seeks to strengthen the Council's links with partner agencies and approach to consulting with children and young people.

The 'call-in' period ending at Midnight on Friday 12th January 2006 applies.

## **859 Appointment of Local Education Authority Representatives to School Governing Bodies**

Cabinet Members were requested to consider the nominations to school Governing Bodies in accordance with the procedure for the appointment of school governors, approved as Minute 84 of the cabinet (11th May 2000).

RESOLVED that the appointments to the following School Governing Bodies be approved in line with agreed procedures subject to successful List 99 check and Personal Disclosure:-

All Saints CE Secondary School	-	Cllr K Faulks
Harewood Primary	-	Dr A Khan
Myton Park Primary School	-	Mrs S. Hughes
Our Lady of the Most Holy		

Rosary RC Primary School - Mr P Smith  
Whitehouse Primary School - Mr J Bage

The 'call-in' period ending at Midnight on Friday 12th January 2006 applies.

## **860 Regional Economic Strategy Consultation**

Cabinet was informed that the Regional Economic Strategy 2006-2016 (the RES) had been approved by the Department of Trade and Industry and finalised during October 2006. It set out proposals to deliver sustainable, inclusive economic growth. One NorthEast had prepared a draft Action Plan as a basis for further discussions with regional partners on the priority actions to deliver the Strategy. Each section described the main activities proposed for the five years starting April 2006, and identified the responsible lead and other partners.

The draft Action Plan provided broad, preliminary indications of the scale of resources that One NorthEast and partners were planning to invest to help deliver the new Regional Economic Strategy. The Plan detailed the preferred growth scenario, and the six transformational interventions under the themes of Business, People and Place, and collective regional leadership.

A proposed consultation response to the RES Action Plan Consultation Draft was provided to Members and a number of key issues highlighted viz:-

A priority issue that needed to be raised with One North East as part of this consultation process was in relation to the Stockton Middlesbrough Initiative. Members were reminded that SMI was an initiative led by Stockton and Middlesbrough Councils to help transform the economy and environment at the heart of Tees Valley, bringing real benefits to the local community and the City Region as a whole. This required creating a city-scale environment which capitalised on the opportunities presented by two vibrant town centres and an outstanding riverside setting.

Within the Action Plan Transformational Interventions SMI had been translated into two initiatives – North Shore and Middlehaven. The fact that SMI was a transformational Intervention was welcomed, however it would be helpful to have a specific reference to the town centres as hubs for commercial, leisure and hospitality activity. It needed to be highlighted with One North East that SMI comprised:-

- a commitment to partnership between SBC and MBC – integrating staff resources, where appropriate, to address delivery gaps and add value via joint working;
- a mechanism for transforming perceptions of the heart of the Tees Valley City Region and building civic pride amongst the local community;
- a initiative to push forward proposals for regeneration of the town centres and transformation of the riverside corridor between them;
- a commitment to working alongside regeneration partners to complement and add value to their work.

Other areas that needed to be highlighted within the Action Plan included accommodation at Wilton for the chemical industry, as North Tees would require investment to keep the economy competitive. Furthermore, investment would be needed to increase the skills base in this area, to ensure the workforce within the chemical industry for the future.

Access to enterprise support programmes in the more deprived communities needed to be improved as an integral part of tackling worklessness. If the new business creation target was to be achieved then this area of work needed to be given a higher priority. Whilst it was recognised that Local Authorities were already involved in this work and so were well placed to take a lead role, the Action Plan needed to align and support programmes such as LEGI with regional initiatives, and link directly with the Tees Valley Investment Strategy, which detailed projects requiring One NorthEast support over a rolling ten year period.

The Action Plan would be improved by reference to Durham Tees Valley Airport (alongside Newcastle Airport) in the Tees Valley investment list, in line with the expansion proposed.

There were pressures on the Single Programme, with caps placed by One NorthEast. Current projections were anticipated to be 25% lower than expected. This equated to an approximate £50,000,000 reduction for the delivery of the Tees Valley projects. By raising the profile of priority projects, opportunities for securing alternative funding sources, such as European and mainstream government programmes were improved.

RESOLVED that the proposed response to the RES Action Plan Consultation Draft, as provided in the Appendix to the report, be approved.

The 'call-in' period ending at Midnight on Friday 12th January 2006 applies.

## **861 Billingham Forum**

Members were provided with a position statement regarding the regeneration of Billingham Forum Complex. In particular the statement highlighted the options for comprehensive refurbishment / redevelopment and associated consultation analysis, and continuing operational issues affecting the Complex.

Cabinet was reminded that the condition of the complex was extremely fragile. Given the frailty and condition of the structure, services and fabric of the building, and the desire to keep it fully operational and open for use, extensive monitoring arrangements had been put in place to mitigate Health and Safety issues.

Since 1980 £4.4 million (at current day costs) had been spent on improvements and repairs to the complex. However, given its age and construction type, many components were collectively reaching the end of their natural life. Recent difficulties including electrical problems, issues with the roof and structural damage all reflected the increasing difficulty maintaining the building as a safe and reliable operational venue.

Following winter 2006, the condition of the building would be reassessed and

further surveys completed. However, there was a risk that failure of plant, equipment or structure could occur within the next 12 months. Whilst this risk was currently being managed, it remained a serious concern.

In parallel with the development of a refined PFI credit bid submission officers have therefore been investigating contingency options in case the PFI bid was unsuccessful.

This analysis of options was an urgent piece of work and a report would be taken to Cabinet in summer 2007 (after the comprehensive spending review and Department of Culture, Media and Sport (DCMS) position statement regarding the availability of PFI credits) with detailed, costed information and recommendations.

In 2005, Stockton Council applied to the DCMS for PFI credits with a view to refurbishing the facility.

PFI was a way of funding long term public sector contracts such as schools, hospitals and leisure facilities, which involved a significant capital expenditure component. The capital monies would be provided by Central Government in the form of PFI 'credits' to the Council. The Council would then procure a private sector contractor to carry out the redeveloped Forum scheme and the credits would be paid over the period of the PFI scheme.

The Council's 2005 PFI application was unsuccessful but overall, the feedback was considered to be positive and DCMS had encouraged the Council to refine the bid to enable a resubmission

Since June 2006, the Council had been working in conjunction with The Billingham Partnership (TBP) to prepare a refined bid submission for Government funding to access resources for redeveloping leisure facilities. The bid included the provision of all current facilities and the incorporation of Roseberry library and a customer service centre. This bid addressed the weaknesses and built upon the strengths of the 2005 PFI credit bid submission. In particular, a full market appraisal and soft marketing testing had been conducted, the strategic rationale had been properly highlighted and the management and separation of contracts had been addressed.

Furthermore, community support had been properly evidenced following an extensive consultation exercise which resulted in an overwhelming level of public support for the submission of a (PFI) bid to Government for the redevelopment of the Forum. In all, 3,001 responses to the consultation were received with approximately 98% of these in support of submitting a bid to Government. An executive summary of the consultation results was provided for Members information.

On 10th November 2006, officers attended a meeting in London with DCMS to seek further information regarding their progress in securing Treasury funding for a 2007 PFI scheme. DCMS informed officers that they were negotiating with the Treasury as part of a comprehensive spending review currently underway but that there were no guarantees of a 2007 round of PFI credits. It was anticipated that any potential funding would be lower than the 2005 offer, mainly as a result of national pressures particularly within DCMS. Given the

timescales involved with a PFI it was highly unlikely that, subject to support, scheme construction would commence on site before 2009. This would be considered alongside the frailty of the building.

Following the feedback from DCMS and work completed to date, officers felt that submission of the Government (PFI) bid may best secure the opportunity for redevelopment of the Forum Complex. However, due to the timescales and uncertainty regarding PFI credits involved it was suggested that a more detailed investigation of the alternative options be carried out with a report back to Cabinet in summer 2007.

RESOLVED that

1. the submission of an outline Private Finance Initiative (PFI) bid to the Department of Culture, Media and Sport (DCMS) incorporating a comprehensive redevelopment of the Forum Complex be supported.
2. the consultation results carried out to ascertain the level of community support for a refined bid to Government to redevelop Billingham Forum be noted.
3. that a more detailed report be prepared for Cabinet before any PFI Stage 2 (outline business case) submission.
4. the condition and frailty of the Forum structure be noted and a further report be brought to Cabinet in summer 2007.

The 'call-in' period ending at Midnight on Friday 12th January 2006 applies.

## **862 Minutes of Outside Bodies**

Consideration was given to minutes of meetings of Area Partnership Boards. Copies of the minutes were provided to Members.

RESOLVED that the minutes of the following Area Partnership Boards, copies appended, be received/approved, as appropriate:-

Stockton Renaissance	5 September 2006	Appendix 1
Stockton Renaissance	3 October 2006	Appendix 2
Eastern Area Partnership	24 October 2006	Appendix 3
Central Area Partnership	26 October 2006	Appendix 4
Stockton Renaissance	7 November 2006	Appendix 5

The 'call-in' period ending at Midnight on Friday 12th January 2006 applies.

## **863 Planning Code of Good Practice**

Cabinet was asked to consider a draft planning code of good practice and to recommend its approval and adoption to Council.

Members noted that it was recommended best practice for local authorities to adopt a local code or protocol in relation to their planning systems. This was



advocated by the Nolan Committee in its Third Report and more recently endorsed by the Local Government Association.

Cabinet were provided with a draft Planning Code of Good Practice for Stockton-on-Tees Borough Council. Cabinet was asked to consider the document, provide any comments it wished to make on its contents and to recommend its approval to Council on 17 January 2007.

It was explained that the draft Code had been considered by the Planning Committee at its meeting on 6 December and by the Standards Committee on 7 December 2006. The comments made by those Committees were provided to Cabinet and could be summarised as follows:-

#### Planning Committee

Members pointed out that the guidelines in relation to pre application discussions with developers or applicants should take account of confidentiality requirements. Therefore, it would not always be possible to report members' involvement in pre application discussions or obtain the approval of the committee for attendance at presentations. Accordingly, the guidelines would be revised to take account of this ( paragraph 7.2 of the draft code refers)

There was some concern about the responsibility for declaring interests at paragraph 9.6 of the draft code. One of the examples provided, suggested that it was likely that a member would be required to declare an interest on a planning matter, where their spouse or partner had an interest in the matter. Some members felt this would be difficult to comply with since they may not be aware of their spouse or partner's interest.

These issues were debated further at the Standards Committee and its comments were provided as follows:-

#### Standards Committee

The Standards Committee welcomed the draft planning code of conduct and supported it's adoption by the Council subject to a proposed amendment to paragraph 7.2 in relation to pre application discussions.

In relation to the guidance on disclosing an interest that concerned a spouse or partner, the Committee felt that this should remain as it was in accordance with the Model Code of Conduct. Paragraph 8(1) of the Model Code required a member to disclose an interest that might reasonably be regarded as affecting the well being or financial position of himself, a relative, or a friend. Therefore a planning matter that might affect the well being of a member's spouse or partner, due to the spouse/partner's friendship or close acquaintance with an applicant, agent or objector should be disclosed. The committee felt that if it was not otherwise apparent, the spouse/partner should make the member aware of such an interest, so as to avoid complaints being made. Removing this guidance from the Planning Code would not necessarily protect the member from a breach of the Model Code.

Cabinet were also provided with some general comments which were received from Members of Council, the main issues were :-

A query was raised regarding the status of the code and the sanctions for breach. Once approved the Planning Code would be incorporated at part 5 of the Council's Constitution and would be binding on both officers and members. Whilst it should be stressed that the code was intended to assist and guide members of the Planning Committee rather than impose penalties for non compliance, any failure to observe the code without good reason could lead to a finding of maladministration or, in certain circumstances, might represent a breach of the Model Code of Conduct.

Some uncertainty was expressed in relation to informal comments and views expressed by members prior to a planning meeting and at what stage those may lead to the member having a personal and prejudicial interest, particularly where members had been involved in a campaign or lobby group. It was indicated that as there was no hard and fast rule on this, each case should be considered on its individual merits.

Cabinet welcomed the draft Code and, subject to a suggested revision of paragraph 7.2, recommended its approval and adoption to Council. However, Cabinet requested that the particular wording of the suggested revision be circulated to all Members prior to consideration of the draft Code at Council.

RECOMMENDED to Council that the draft planning code of good practice attached to the Cabinet report be approved subject to a revision of paragraph 7.2.

#### **864 Learning and Development Strategy for Members**

Members were reminded that, at its meeting held on the 13th July 2006, Cabinet had agreed the need to review and refresh the Council's Learning and Development Strategy for Members and to align this review in accordance with best practice, by working towards the aims and objectives of the IDeA and the Regions and signing up to the North East Charter for Member Development. The Members Advisory Panel had been charged with the responsibility for carrying out such a review.

At the last meeting of the Panel on the 13th December 2006, the Panel considered the proposed revision of the Council's Learning and Development Strategy for Members (LDSM) in terms of specific proposals submitted with regard to:-

- The Vision, Aim and Objectives of the Strategy
- Roles and responsibilities;
- Induction Programme for new members post elections 2007;
- Proposed approach to Personal Support Planning for all Members;
- Content of Proposed Member Learning and Development Programme.
- Information Service

Members were provided with details of the revisions together with a copy of the proposed strategy which included a guide to Members roles, an action plan illustrating the necessary milestones and targets to be achieved in order to reach Chartered Status and a draft induction programme scheduled to take

place post Elections May 2007.

The Members Advisory Panel, at its meeting held on the 13TH December 2006, recognised the emphasis placed within the strategy to providing continuous member learning and development opportunities and requested that Cabinet/Council do similarly endorse the strategy on this basis.

RECOMMENDED to Council that the revised Learning and Development Strategy for Members, as appended to the Cabinet report, be approved.

## **865 Review and Revision of the Constitution**

Cabinet were informed that, at the Members' Advisory Panel ("the Panel") on 2 November 2006, details of suggested changes to the Council Procedure Rules ("the Rules") and Concordat for Communication and Consultation with Members ("the Concordat") were reported to the meeting.

The Panel agreed that the Rules and the Concordat, with the suggested changes highlighted, should be circulated to all Members for comments, before being reported back to and considered by the Panel at its meeting on 13 December 2006.

As a result of this, two Members commented, indicating that "the changes were practical and necessary and reflected usage today" and that no problems could be seen (with what was suggested).

The Rules and Concordat were provided to Members as appendices attached to the report under consideration. The changes to the Rules arose from them being reviewed and amended in the light of the experience of applying them in practice. The Concordat needed to be refreshed given the changes to Cabinet Member portfolios, and Members' Information provision, and because of the introduction of E-genda.

The scrutiny review of corporate consultation by the Corporate Policy Select Committee had also resulted in a proposed recommendation (to Cabinet) that the Concordat be revised to ensure that Councillors were notified of consultation proposed in their Ward before the consultation commenced and was in the public domain. In order to reflect this in the Concordat, a new paragraph 3v(c) could be added, using the wording above.

This feedback was presented to the Panel at its meeting on 13 December 2006 when the Panel agreed that the Rules and Concordat, as proposed to be revised, should be recommended to Cabinet and Council for approval.

Since the Panel meeting, the replacement text at paragraph 2v of the Concordat had been included and was also shown in red in the appended document.

RECOMMENDED to Council that the proposed revised Council Procedure Rules and Concordat for Communication and Consultation with Members, as appended to the Cabinet report, be approved.

## **866 Review of MTFP 07/08**

Cabinet considered a report that provided the most up to date position of the Medium Term Financial Plan (MTFP) taking into account the provisional settlement. It outlined the way forward for consultation on Council Tax setting and utilisation of any Headroom for 2007/08. In addition a strategy was proposed for the two remaining years of the plan.

Members were provided with a briefing note detailing the key features of National Provisional Local Government Finance Settlement 2007/08. At Local level, it was explained that Stockton had received a headline increase in grant of 3.8% in 2007/08 which was slightly above the average increase for England and Wales of 3.7%. In cash terms, Stockton received an increase of just under 2.9%.

Members noted arrangements for consultation for the 2007/08 budget setting which included the use of the results of the MORI survey for residents during 2006 to determine the areas in which the public would like to see additional investment.

Additionally there would be a Members Seminar on 23rd January 2007 and during February a range of opportunities for individual Members and representative groups to discuss the service planning and budget setting process with officers.

Arrangements were also in hand to consult with the Business Forum and Renaissance.

Members noted that in terms of formulating the Medium Term Financial Plan the Council would need to make assumptions about grant level and Council Tax increases to produce its indicative budgets for 2008/09 and 2009/2010

Cabinet was provided with a schedule detailing those capital allocations that the Council had received from the Government to date. The picture on these would become clearer through the budget cycle.

Members were informed that following a review of outstanding repairs and maintenance on the Council's administrative buildings, a number of schemes had been identified as high risk and in need of urgent work. Members were provided with individual project briefs and agreed that the £270k that remained in the budget, supporting repairs and maintenance be allocated to those works.

Cabinet noted that the Government was still committed to the process of converging rents in the public sector with those in the private sector. This was the second year of the two-year settlement which capped rents to a maximum increase of 5% for the purpose of rent setting. Members were provided with a note on this issue, appended to the report. No decision had been made by Government to either continue to cap rents after 2008 or move the 2012 convergence deadline. A separate report would follow later in the year detailing the implications in this area.

RECOMMENDED to Council that

General Fund

1. the Provisional Financial Settlement be noted.

2. the consultation strategy for 2007/08 budget setting be noted.
3. the suggested strategy for the MTFP for and 2008/9 and 2009/10 be noted

#### Capital

4. the current status of capital resources and the need to prioritise capital schemes in principle, at the Council meeting in February be noted.
5. the allocation of £270K, from the repairs & maintenance budget allocation for the replacement of roof, windows and lift, be approved.

#### HRA

6. The proposed rent strategy be approved.

### **867 The Conservation Areas and Historic Environment Folder Supplementary Planning Document**

Members were reminded that it was a requirement of Planning Policy Guidance note 15: "Planning and the Historic Environment", Sept 1994 (PPG15) that Conservation Area Appraisals and Management Plans were prepared, and this, coupled with the fact that existing advice leaflets were in need of updating, had led to this comprehensive document being prepared.

The Draft Conservation Areas and Historic Environment Folder was intended to complement and enhance legislative protection and policy requirements set out in the adopted Stockton-on-Tees Local Plan (1997), and any Planning Policy Guidance and other legislation relating to the historic environment. It was aimed at the development industry for use in preparing planning applications and it was hoped that it would also be used as a point of reference for local people to understand where their towns and villages had come from, and perhaps where they are going.

Under the Planning and Compulsory Purchase Act 2004, the Conservation Areas and Historic Environment Folder (CaHEF) would be adopted as a Supplementary Planning Document and would form part of the Council's Local Development Framework. This CaHEF would therefore be given "substantial weight" as a material consideration for the purposes of decision-making. This weight would be attached because the CaHEF had been given consideration in a democratic process of consultation and subsequent Member approval. However, where there were material circumstances, it may be set aside.

The Folder was divided into sections covering all aspects of historic sites, buildings and monuments in the area, and sought to simplify the legislation surrounding them, the role they played within the Borough, and what may be done to maintain them for future generations to enjoy.

The draft CaHEF and associated draft Sustainability Appraisal had been published for a six week consultation period which ended on 3 July 2006. A number of comments had been received from interested parties, and these had been duly considered and used to inform the preparation of the final version of the SPD and SA. Members were provided with a "Consultation Statement" setting out the Council's consultation steps, together with a schedule of

responses received to both the CaHEF document and also to the SA document, presented with the Council's responses. This schedule formed part of the SPD.

Having considered the responses received, some minor amendments had been made, however there were just two significant changes proposed to the CaHEF content:

- a. the proposed 'blanket' application of Article 4 Directions which removed certain Permitted Development Rights from buildings in Conservation Areas. English Heritage suggested a cautious approach and advocated further consultation before applying additional controls on households in the form of Article 4 Directions. It was considered that this was a sensible response, and so the Management Plan had been amended to undertake further consultation regarding this issue, as opposed to simply applying the controls.
- b. The intention was originally to prepare 4 smaller "folders", however it had proven, from the consultation process that a single folder made up of individual documents was preferred, and therefore the CaHEF would be published in such a format.

Having undertaken a 6-week consultation period and considered the responses with reasons for accepting or rejecting them given, there was no right of appeal to its content or to have it tested via an Independent Examination, although the underlying principles of 'soundness' still applied. Upon adoption, a statement of consultation had to be prepared setting out a summary of the main issues raised in the representations and how those main issues had been addressed. This was included in the SPD and in the Consultation Statement.

Following Cabinet endorsement, the CaHEF and SA would be adopted as a Supplementary Planning Document and published for use in determining planning applications.

The proposed Local List had received a number of nominations in Eaglescliffe, but few in other areas. It was felt that additional time should be given to allow further nominations for the list, and then the process set out in the document for Adopting the list could be followed. A report would be made to Planning Committee and Cabinet for approval in due course.

RECOMMENDED to Council that the content of the Conservation Areas and Historic Environment Folder be approved and adopted as a Supplementary Planning Document and become a material planning consideration in determining planning applications.

## **868 Billingham Town Centre**

Cabinet considered a report that provided an update on the progress associated with the regeneration of Billingham Town Centre.

Members were reminded that the Council had been working with Halladale and MARS for the past two years to deliver a redeveloped Billingham Town Centre which would capture public regeneration priorities. Halladale was a developer with a proven track record in regenerating district town centres. In 2005 they

opened the modern, redeveloped Bay Tree Centre in Brentwood. Members were provided with information including photographs and an artist impressions associated with the Bay Tree Centre scheme.

Following announcement by MARS, in June 2006, that they were selling their leasehold interest in Billingham town centre, the Council submitted a bid but was later advised they had been unsuccessful. At the end of September 2006, it was announced that MARS had sold their leasehold interest to Halladale.

Since August 06 the Council had been negotiating with Halladale, investigating the viability of a joint regeneration scheme. Halladale had advised the Council they were committed to improving their new leasehold asset with comprehensive redevelopment and on that basis they had asked whether the Council would be prepared to consider disposing of its freehold interest and requested that the Council provided a valuation of its freehold interest in the town centre.

After seeking advice from DTZ, the Council's property consultants for Billingham, in relation to the freehold value of the Council's interest, Council officers entered into negotiations with Halladale for the disposal of the Council's freehold interest.

Halladale were asked to consider a range of development conditions based largely on prior extensive and successful public consultation. These were:

They would work with the Council to produce a scheme which addressed the 2005 consultation priorities as soon as reasonably practical from sale completion; a planning application would be submitted as soon as reasonably practical thereafter

The scheme would include the following redevelopment priorities, subject to planning:

- a) Improvements in the quality of shops
- b) Extension to the range of shops
- c) Tackle problems of pests / pigeons
- d) Incorporation of cafes and restaurants
- e) Provision of new and better toilets
- f) Provision of secure parking
- g) Provision of play facilities e.g. pre-school and teenage village
- h) Inclusion of attractive landscaping

Prior to commencing negotiations for the sale of the Council's interest, Officers investigated a range of regeneration options including:

- i. Marketing the Council's freehold interest either with or without regeneration conditions
- ii. Seek to procure the Councils own redevelopment scheme
- iii. Continue to discuss a joint regeneration scheme with Halladale as the other major land interest holder within the town centre

Over the past years the Council and the then major leaseholder of the town centre, MARS Pension Fund (MARS) had been in discussions to try to agree a joint regeneration scheme for Billingham town centre. These discussions included the appointment of Halladale, the MARS preferred developer, to try to bring about a regeneration scheme which met the aspirations of MARS, the Council, the developer and the local community. Unfortunately, despite the exhaustive discussions, negotiations, financial appraisals and time spent trying to formulate a regeneration proposal which met the needs of the various parties involved, it was not possible to agree a scheme. Officers considered that in order to facilitate the Council's ambition to deliver a regenerated Billingham Town Centre it would be best to develop under single ownership.

As Halladale had a long leasehold interest in 47% of the town centre, officers felt that selling the Council's freehold interest to Halladale was the best way forward to secure the regeneration of the town centre as a whole.

Members were provided with information relating to the financial details and specific development conditions associated with the proposed sale of the Council's freehold interest.

Members were also provided with the indicative layout and photomontages of what a regenerated town centre could look like.

Cabinet noted the next steps and timescales associated with the proposed sale and subsequent regeneration scheme

Report to be taken to Cabinet	4 January 2007
Council ratification	17 January 2007
Commence legal documentation	January 2007
Sale completed	May 2007
Commence detailed discussions regarding design aspects	May 2007*
Commence public consultation regarding public realm design	Autumn 2007*
Commence improvements / regeneration works	Autumn 2008*
Complete all aspects of regeneration / improvement	2013*

\*Subject to further agreement with Halladale.

In addition to the work being undertaken to secure a scheme within Billingham Town Centre, regeneration was also the focus of work at John Whitehead Park. Details were provided to Members in an appendix to the report.

RESOLVED that

1. the progress being made to redevelop John Whitehead Park, Billingham be noted.

The 'call-in' period ending at Midnight on Friday 12th January 2006 applies.

RECOMMENDED to Council that



2. to enable a major redevelopment and reinvestment of the town centre, the Council's freehold interest in Billingham Town Centre and Kingsway car parks be sold to Halladale in accordance with the terms set out in the Cabinet report.
3. the Corporate Director of Development and Neighbourhood Services and the Corporate Director of Resources be authorised, in consultation with the Leader, Cabinet Member for Regeneration and Transport, Chief Executive Officer and Corporate Director of Law and Democracy, to finalise the detail associated with the sale of the freehold interest to Halladale and enter into all necessary legal agreements regarding the sale and/or regeneration.
4. the Council, in conjunction with the Billingham Partnership and Halladale, prepare and commit to an extensive further phase of public consultation relating to aspects of design and public realm associated with the redevelopment of the town centre.