

## **Hambleton District Council**

**Report To:** Cabinet

**Date:** 4 October 2022

**Subject:** **Grant for Refurbishment of Cobbles at Stokesley**

**Portfolio Holder:** Economic Development and Finance  
Councillor P R Wilkinson

**Wards Affected:** Stokesley

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### **1.0 Purpose and Background**

- 1.1 This report concerns a grant the Council approved for the refurbishment of the town centre cobbles at Stokesley Town Centre which is associated with the surrender of the lease between Stokesley Town Council and Hambleton District Council. Specifically, the report considers whether the grant offer should now be withdrawn because of lack of progress.
- 1.2 In March 1999 the Council entered into a lease with Stokesley Town Council for land comprising an area of cobbles on the High Street in Stokesley town centre. The intention of the lease was to enable the creation of an Off-Street Parking Order by the Council which would enable car parking on the cobbles to be efficiently managed.
- 1.3 A dispute developed between the Council and Stokesley Town Council which became long running about the appropriate level of maintenance for the cobbles which could not be satisfactorily resolved. To bring the dispute to an end in September 2018 the Council agreed the following; to surrender the lease between the Council and Stokesley Town Council; to provide a grant to Stokesley Town Council to carry out remedial works to the cobbled areas; and to revoke the Hambleton District Council Off-Street Parking Places Order (Minute number CA.28). The grant agreed was a sum up to £110,944. Since this decision four years ago progress on implementing the actions has been slow.
- 1.4 In March 2022 Stokesley Town Council submitted a report describing a significant increase in costs and requested that the Council's grant be increased from £110,944 to £215,083. Cabinet considered this request at its meeting on 7 June 2022 (Minute number CA.5) and rejected it. The Council's view was that there is a shared responsibility for dealing with maintenance and refurbishment and that the request of the Town Council did not acknowledge this shared responsibility. A fairer position would be for each party to contribute to the costs and given that the Council's previous commitment amounted to 52% of the revised costs this was appropriate and no further grant was justified.

## **2.0 Developments Since the Decision**

- 2.1 The Council wrote to Stokesley Town Council on 11 July 2022 asking that in the light of Cabinet's decision (paragraph 1.4) whether the Town Council wished to proceed with the surrender of the lease and claim the grant of £110,944. Stokesley Town Council responded on 21 July 2022 saying that the funds should not be de-allocated and inviting the Council to enter a formal arbitration process, in respect of the grant sum, conducted by a qualified and experienced independent arbitrator following an appropriate Alternative Dispute Resolution protocol. The purpose would be to arbitrate on the Town Council's demand for the sum of £215,083.
- 2.2 Alternative Dispute Resolution was rejected on the basis that the Council's decision to reject the request to increase the grant to £215,083 had been properly made taking into account the relevant considerations and on legal advice that arbitration was premature and unnecessary in the circumstances and not justified in terms of the Council's responsibilities under lease.
- 2.3 The Council wrote to Stokesley Town Council again on the matter on 26 August 2022, this time requesting a decision on the acceptance of the original grant (£110,944) by the end of September otherwise Cabinet would reconsider the offer. At the time of writing this report Stokesley Town Council had not, as requested, confirmed their acceptance of the grant. If there is a change to this position Cabinet will be advised at the meeting.
- 2.4 Given the limited time remaining until vesting date on 31 March 2023, the lack of progress and impasse and the competing pressures on officer time, it is suggested that the grant offer be withdrawn and the matter be left to the new Council to determine.
- 2.5 This is considered an appropriate course of action because as Highway Authority the new North Yorkshire Council may wish to consider whether there are any wider traffic management implications associated with the surrender of the lease (this Council's original reason for taking on the cobbles was to secure efficient parking management in the town centre). Also North Yorkshire Council may also wish to consider the matter in the context of its "double devolution" initiative which could see the responsibilities for certain services and assets passed to Town and Parish Councils. It is understood that Stokesley Town Council have already expressed an interest in working on a pilot of what "double devolution could look like", so taking back responsibility for the town centre cobbles could fit with this work.

## **3.0 Link to Council Priorities**

- 3.1 The refurbishment of the cobbles would contribute to the Council's priority of providing a special place to live by enhancing Stokesley town centre.

## **4.0 Risk Assessment**

- 4.1 The key risks in approving the recommendation are:

| <b>Risk</b>  | <b>Implication</b>  | <b>Gross Prob</b> | <b>Gross Imp</b> | <b>Gross Total</b> | <b>Preventative action</b>  | <b>Net Prob</b> | <b>Net Imp</b> | <b>Net Total</b> |
|--|---|-------------------|------------------|--------------------|---|-----------------|----------------|------------------|
| Surrender of the lease does not occur.                             | The Council maintains ongoing responsibility for maintaining the cobbles and enforcement of the Parking Order with the ongoing costs. | 4                 | 3                | 12                 | The Council budgets for the ongoing costs.  | 3               | 3              | 9                |
| Refurbishment, renewal and relaying of the cobbles does not occur. | The physical condition and appearance of the cobbled areas declines.  | 4                 | 4                | 16                 | The Council reviews its maintenance regime and delivers a strategy for this and budgets an appropriate sum. | 3               | 3              | 9                |

4.2 The key risks in not approving the recommendation are as shown below:-

| <b>Risk</b>  | <b>Implication</b>  | <b>Gross Prob</b> | <b>Gross Imp</b> | <b>Gross Total</b> | <b>Preventative action</b>                              | <b>Net Prob</b> | <b>Net Imp</b> | <b>Net Total</b> |
|--|---|-------------------|------------------|--------------------|---|-----------------|----------------|------------------|
| Additional costs not currently budgeted for.                         | Funds withdrawn or reduced for other projects/programmes. | 4                 | 4                | 16                 | Make budget adjustments where the impact will be least. | 4               | 1              | 4                |
| Absorbs officer time on ongoing matters associated with the dispute. | Less officer time spent on Council priorities.            | 4                 | 4                | 16                 | Withdraw offer of grant.                                | 4               | 1              | 4                |

Prob = Probability, Imp = Impact, Score range is Low = 1, High = 5

## 5.0 Financial Implications

5.1 On the basis of the previous estimate for the works the Council has made provision for £110,950 in its budget of which £104,450 remains.

## 6.0 Legal Implications

6.1 The Council has obtained external legal advice about its obligations under the lease and on the invitation to enter Alternative Dispute Resolution and this report is consistent with the advice received.

## **7.0 Equality/Diversity Issues**

7.1 Maintenance of the land in good order improves accessibility for users and therefore relates to the Council's equality and diversity responsibilities.

## **8.0 Recommendation**

8.1 It is recommended that the grant offer to Stokesley Town Council of £110,944 for remedial works on the cobbles be withdrawn.

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**Background papers:** None

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