

Cabinet

A meeting of Cabinet was held on Thursday, 22nd November, 2007.

Present: Cllr Ken Lupton(Chairman), Cllr Mrs Jennie Beaumont, Cllr Robert Cook, Cllr Alex Cunningham, Cllr Terry Laing, Cllr Mrs Ann McCoy, Cllr Steve Nelson, Cllr Mrs Mary Womphrey

Officers: J. Danks (R); A. Baxter (CESC); H. Dean (ACE); N. Schneider, J. McCann. M. Robinson, C. Straughan, J. Robbins, D. Kitching (DNS); D. Bond, M. Waggott, M. Henderson, S. Johnson, J. Trainer (LD);

Also in attendance: Cllr Mrs Maureen Rigg, Cllr D. Coleman,S. Boyd (Tristar Homes)

Apologies:

CAB 87/07 **Declarations of Interest**

Councillor Mrs Beaumont and Councillor Mrs Womphrey both declared personal, non prejudicial interests in item 3 'Scrutiny Review of Theatre Subsidy' as they were Members of Tees Active Board.

Councillor Laing declared a personal, non prejudicial interest in item 3 'Scrutiny Review of Theatre Subsidy' as he had a friend employed by Riverside Promotions.

Councillor Nelson declared a personal, non prejudicial interest in item 3 'Scrutiny Review of Theatre Subsidy' in view of his connection with Friends of the Forum Theatre.

Councillor Cunningham declared a personal, non prejudicial interest in item 6 'LDF Annual Monitoring Report' as he was employed as an energy consultant.

Councillor Nelson declared a personal non prejudicial interest in item 6 'LDF Annual Monitoring Report' as he was a Member of the Tristar Homes Management Board.

Councillor Cunningham declared a personal, non prejudicial interest in item 8 'Carbon Management - A Case for Action' as he was employed as an energy consultant.

Councillor Nelson declared a personal, non prejudicial interest in item 8 'Carbon Management - A Case for Action' as he was a Member of the Tristar Homes Management Board.

Councillor Nelson declared a personal, non prejudicial interest in item 14 'Performance, Finance and Risk Report Quarter 2' as he was a Member of the Tristar Homes Management Board.

CAB 88/07 **Report of Corporate and Social Inclusion Select Committee - Scrutiny Review of Theatre Subsidy**

Consideration was give to a report that set out the findings and recommendations from the Corporate and Social Inclusion Select Committee's review of Theatre Subsidy. The report examined whether the level of Council

subsidy to the Billingham Forum Theatre represented good value for money and made recommendations regarding the provisions to be included in any future contract.

The topic was identified at a meeting of the Scrutiny Liaison Forum in January 2007 and was confirmed by Executive Scrutiny Committee in May 2007. The review was identified as it was felt that there was a need to ensure that the subsidy for the running of the theatre represented value for money and was timely because the future of the Forum building was under review.

Following consideration by Cabinet an action plan would be submitted to the Select Committee setting out how the approved recommendations would be implemented detailing officers responsible for action and timescales.

RESOLVED that:-

1. once the issues surrounding the future of the Billingham Forum building have been resolved, following an appropriate procurement process, the Council let a long term contract incorporating the following:
 - clarification of the relationship between the chosen contractor, the Council and Tees Active Ltd and specifically the degree of influence the Council would want to have on the management of the forum theatre including guidance on a framework for approval of the theatre programme;
 - a requirement in the contract for the chosen contractor to collect customer information and detailed information on attendances to allow greater analysis of audience by socio economic and special interest groups and to inform the theatre's marketing strategy;
 - requirement of a strategy for programme and audience development;
2. in advance of a new contract being developed and let, Officers work with the current Contractor to try to extend audience appeal and find ways of more effectively promoting educational productions to school audiences and publicising how the theatre can accommodate audience members with specific access needs.

CAB 89/07 Report of Environment Select Committee - Scrutiny Review of the Management of Memorials

Consideration was given to a report that set out the findings and recommendations from the Environment Select Committee's review of the management of memorials. The report sought to ensure that the Council was providing a safe environment for visitors to the Council's cemeteries and to ensure that the Council's policies were up to date and enforceable.

The report presented Cabinet with the findings of the scrutiny review into the management of memorials in the Council's cemeteries undertaken by the Environment Select Committee between June and October 2007. The topic formed the second phase of a review of the Council's Cemeteries and

Memorials – the first phase having concluded an investigation into the future development of cemeteries. The review was identified as it was felt that there was a need to ensure that the Council was providing a safe environment for everyone visiting the Council's cemeteries and to ensure that the Council's policies were up to date and enforceable.

Following consideration by Cabinet an action plan would be submitted to the Select Committee setting out how the approved recommendations would be implemented detailing officers responsible for action and timescales.

RESOLVED that:-

Memorial Safety

1. the Exclusive Right of Burial and Right to Erect a Memorial be granted separately.
2. the Right to Erect a Memorial be granted for a maximum of 30 years to coincide with the NAMM Guarantee of Compliance with the option for renewal for periods of 5 years provided that the memorial meets appropriate safety standards; in cases where the Right to Erect a Memorial has already been approved for a longer period, the option for 5 year renewal be offered to the original Grantee after its expiry or to the next of kin where rights have been transferred.
3. memorial masons be required to:
 - register with BRAMM (British Register of Accredited Memorial Masons) which requires the memorial mason to obtain a fixers licence, submit full risk assessments, current health and safety policy and evidence of insurance cover;
 - provide full construction details on application to erect a memorial;
 - provide a 30 year written guarantee for stability and safety of the memorial to Bereavement Services as well as the grave owners;
 - provide a statement of compliance with the NAMM Code of Working Practice;
 - to comply with a monitoring and disciplinary process
 - advise the Council's Bereavement Services Section when they will be undertaking work in any of the Council's cemeteries.
4. a growth bid be submitted to enable the service to employ an additional member of staff to be responsible for carrying out checks on memorial masons and to deal with enforcement issues. The duties of this additional post to include responsibility for:
 - enforcing of the Council's policies and taking action in respect of unauthorised memorials;
 - inspecting memorials 28 days after fixing to ensure compliance with BS8415/ NAMM Code of Working Practice;
 - undertaking random checks of works;
 - assisting with a 5 year rolling safety inspection programme;
 - controlling entry into cemeteries to ensure that only authorised works are being undertaken and to seek to co-ordinate works around funeral times;
 - ensuring safety of visitors to cemeteries.

Memorial Policy

5. the Council's Cemetery Regulations be revised to allow:

- a small second memorial to be fixed at the head of the grave, providing that they are fixed in accordance with NAMM Code of Working Practice and the overall size of the two memorials does not exceed the grave width;
- excluding the actual lawn heading, personalisation by appropriate planting of an area at the head of the grave no larger than 25% of the grassed area (i.e. approx 1'9"/ 53cms for lawn/traditional graves and 9"/23cms for graves within the cremated remains and babies garden areas) (detailed guidance to be drawn up but not allowing any type of edging/ kerbing);
- restrictive regulations in respect of the type of memorials permitted within babies sections be relaxed to allow greater choice (provided that memorials are within specified size and fixed in accordance with the NAMM Code of Working Practice).

6. inscribed commemorative memorial wall plaques and featured remembrance areas be provided by Bereavement Services to allow bereaved families to commemorate the memory of a loved one.

7. a programme for removal of kerb surrounds in traditional areas be developed starting first with the oldest graves and those which have damaged or dangerous kerb sets as identified by the inspection programme, following detailed consultation and consideration of all the issues including alternative uses for the old kerb sets.

Unauthorised Memorials

8. an extensive publicity programme be developed for elected Members, officers and the public to raise awareness of the Council's policies including road show events and leaflets and that copies of the most up to date leaflets are distributed to all elected Members for reference.

9. the Council's regulations be enforced in respect of all unauthorised memorials following the extensive publicity programme and after giving grave owners a period of notice to remove unauthorised items from graves.

10. unauthorised items be removed from graves, labelled and stored for collection and that removal of unauthorised items be handled sensitively allowing a 3 month period following a burial and some flexibility around the time of significant dates.

Operational Issues

11. alternative methods be explored and best practice adopted to enable improvements to the way graves are reinstated following a burial to reduce grave sinkage and improve memorial stability and the appearance of the grave immediately following an interment.

12. planting schemes be investigated, where concrete plinths are not used to improve the aesthetics of the lawn headings and prevent soil erosion.

CAB 90/07 Local Authority Representatives on School Governing Bodies

Members considered a report relating to Local Authority Representatives on School Governing Bodies. It was explained that as a result of the expiry of some Governors' Terms of Office and the Resignation of others, vacancies existed on some Governing Bodies. A list of the Governing Bodies and nominations was presented to Members.

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

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

Norton Primary School - Mr J Tamblingson

CAB 91/07 STOCKTON-ON-TEES BOROUGH LOCAL DEVELOPMENT FRAMEWORK ANNUAL MONITORING REPORT 2006/2007

Members considered a report that informed of the completion of the third Local Development Framework Annual Monitoring Report (AMR). The AMR also reported on which of the existing Local Plan policies had been saved beyond September 2007.

It was explained that review and monitoring were key aspects of the Government's "plan, monitor and manage" approach to the planning system. They were crucial to the successful delivery of the spatial vision and objectives of the Local Development Framework and should be undertaken on a continuous, pro-active basis. By identifying outputs and trends, these techniques would enable local planning authorities to build a comprehensive evidence base against which local development document policies and implementation mechanisms could be assessed. Members were advised that Regulation 48 of the Town and Country Planning (Local Development) (England) Regulations 2004 required local authorities to produce an Annual Monitoring Report to assess:

- the implementation of the Local Development Scheme
- the extent to which policies in Local Development Documents were being achieved.

It was noted that Annual Monitoring Reports had to be based upon the period from 1 April to 31 March, and submitted to the Secretary of State no later than the end of the following December.

Members were advised that Planning Policy Statement 12: Local Development Frameworks gave guidance to local authorities as to the content of the Annual Monitoring Report and were also advised what it should include an assessment of.

Regulation 48 specifically required information to be provided on net additional dwellings. As a means of assessing policy implications, authorities should use

trajectories to demonstrate past and likely future performance, and demonstrate how housing policies would deliver housing provision in their area.

It was noted that under the Local Development Framework guidance, a set of core indicators were included which local authorities were required to address in their Annual Monitoring Report. These indicators had to be collected within a consistent timeframe using a clearly identified set of definitions. Detailed definitions were set out to assist local authorities with this task.

Members were presented with a copy of Stockton Borough's third Annual Monitoring Report. The report covered the period from April 2006 – March 2007. In the absence of new Local Development Documents which would make up the Local Development Framework, the monitoring report still focused on the performance of policies in the existing Stockton-on-Tees Local Plan.

Members were informed that the Annual Monitoring Report would enable the Council to:

- assess progress towards meeting the targets set out in the Local Development Scheme, and provide a basis for amendments in timetabling, as necessary.
- strengthen baseline data against which to monitor performance in the future.
- identify further gaps in the knowledge base, to enable systems to be put in place to collect information required for monitoring.
- look at the existing Local Plan policies to assess their effectiveness.

Members were informed of some of the key findings of the Annual Monitoring Report and informed that it had to be submitted to the Secretary of State by the end of December 2007.

RESOLVED that the third Local Development Framework Annual Monitoring Report be noted and endorsed.

**CAB
92/07**

New Joint Waste Management Strategy 2008-2020

Members considered a report relating to the new Joint Waste Management Strategy 2008-2020. It was explained that the four unitary authorities of Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton-on-Tees (the "partner authorities") were the successor Waste Disposal Authorities to Cleveland County Council and shared a contract with SITA Ltd. for the disposal of municipal wastes based on an Energy from Waste (EfW) Plant at Haverton Hill. It was noted that the contract terminates in July 2020.

The partner authorities agreed to manage their municipal waste streams jointly through a Waste Management Group of senior officers, one representing each authority. Managed by a Waste Management Development Officer employed by the Joint Strategy Unit the joint arrangement included for provision of a joint waste strategy and co-ordination of waste stream information as well as management of the waste disposal contract.

Members were advised that the existing Joint Waste Management Strategy was developed between the four former Cleveland County authorities and was intended for the period 1 October 2001 - 30 June 2020, however, much had changed in waste management terms. In 2006 the Government issued new

guidance on the content of waste management strategies, and earlier this year following extensive consultation the government published a new waste strategy for England which would need to be reflected in the new joint waste management strategy.

It was noted that the scope of the new Joint Waste Management Strategy had also been expanded to include Darlington Borough Council which reflected greater joint working across the Tees Valley Area.

Members were advised that Hartlepool, Middlesbrough, Redcar & Cleveland, Stockton-on-Tees and Darlington Borough Councils had started development of a new Joint Waste Management Strategy (JWMS) covering the period 2008-2020.

Work was well underway to develop the new JWMS and statutory Strategic Environmental Assessment (SEA), resourced through DEFRA's Local Authority Support Unit (LASU) in conjunction with the Joint Strategy Unit (JSU). Members were provided with details of the timetable of events.

Members were informed that following a stakeholder consultation on objectives, policies and drivers, and including an initial options appraisal, a core stakeholder working party worked with the Steering Group to develop an initial draft headline strategy. Portfolio holders were consulted informally at a core stakeholder meeting held on 13 July.

On 2 August, the Steering Group agreed an initial draft headline strategy for stakeholder consultation. This consultation included the Environmental Partnership on 20 September, and a second Tees Valley Stakeholder consultation event on policies and actions that was held on 5 October.

Following the consultation, the partner authorities had agreed the following strategic objectives for the new JWMS:-

- To reduce waste generation.
- Achievable and affordable.
- To work towards zero landfill.
- To minimise the impact on climate change.
- To develop an effective and accountable delivery structure.
- To contribute towards economic regeneration.

It was informed that the objectives were presented and agreed at the LSP Environment Partnership in March 2007 with a further update to the Environment Partnership in September. The strategic objectives were also presented to the Urban Environment Task Group (UETG) in March with further updates to UETG in June and September.

Members were advised that the development of a draft implementation plan for Stockton would be informed by the work of the Environment Select Committee currently starting work on a review of the Council Management of Waste. A full public consultation would be carried out on the draft strategy and implementation plan.

A final draft Joint Waste Management Strategy would be prepared for approval

in March and brought back to Cabinet for approval following further consultation and the development of the implementation plan.

Members were presented with a copy of the Draft Headline Strategy.

RESOLVED that:-

1. The Draft Headline Strategy be approved for Public Consultation.
2. Cabinet notes that the development of a draft implementation plan for Stockton will be informed by the work of the Environment Select Committee Scrutiny review of the Council Management of Waste.
3. Cabinet notes that the Joint Waste Management Strategy will be brought back to Cabinet in Spring 2008 for approval.

**CAB
93/07**

Carbon Management - A Case For Action

Members were reminded that at the Cabinet meeting on 15th March 2007 it had been resolved that the draft Stockton on Tees Climate Change Action plan be adopted. Members were provided with a report that set out the case for action by Stockton on Tees Borough Council to reduce its carbon emissions by 25% over five years. It showed that through the implementation of a programme of measures significant savings could be made in both emissions and in financial terms. A key part of the programme was the ability to demonstrate that all of these measures would have a payback period of five years or less, making it an "invest to save" plan.

Cabinet was informed that in May of this year Stockton had been accepted onto the carbon management programme as one of 29 local authorities, and the most northerly council to participate in this phase of the programme. The programme included the Council's administration buildings, leisure facilities, libraries and other public buildings, schools, fleet and business travel as well as street lighting. It was explained that Tristar Homes had not been included in the scope of the programme as there were other drivers and programmes in place to improve the energy efficiency of the social housing stock.

Cabinet noted that around 40 opportunities had been identified as potential projects to develop as part of the carbon management programme.

The initial stages of the programme were based around short term gains or "quick wins" in order to make an early impact and to ensure the revolving loan budget was replenished quickly. It was noted that the case for action indicated that the Council could make savings of £4.2 m and 23,164 tonnes of CO₂ over five years.

A major part of the programme would be raising awareness within the organisation and this was to be achieved through a campaign developed in-house and which needed to involve all service areas and staff. Being involved with this programme provided the council with the opportunity to bid for funding from the Salix finance company, a not-for-profit organisation established by the carbon trust with £20m of government funds to invest in energy efficiency measures.

Members noted that the next stage of the programme would consist of developing the project opportunities formulating the strategy, developing the financial model and implementation plan. This implementation plan would be presented to a meeting of Cabinet in March 2008.

The awareness campaign would be rolled out to the Council's our administrative buildings, schools, leisure facilities, libraries and other public buildings.

Cabinet suggested that this issue should be placed on the agenda of school governing bodies to help raise awareness and focus in this area.

RESOLVED that

1. Cabinet notes that the Council had been accepted on to the local authority carbon management programme.
2. the "case for action" and the associated reductions in carbon emissions and financial benefits be noted.
3. the financial model utilising the available Salix funds for the delivery of carbon reduction projects be developed by officers. Any match funding to be subject to the allocation of resources through the budget process.
4. Officers progress to the next stage of the carbon management programme and produce a strategy and implementation plan to be considered at the cabinet meeting in March 2008.
5. the Carbon Management Programme be placed on the agendas of meetings of all school governing bodies within the Borough.

**CAB
94/07** **Minutes of Various Bodies**

Consideration was given to the minutes of the meetings of the Renaissance and Area Partnership Boards, as appended.

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

10 July 2007 Renaissance Board
4 September 2007 Renaissance Board
26 July 2007 Central Area Board
27 September 2007 Central Area Board
31 July 2007 Eastern Area Board
25 September 2007 Eastern Area Board
3 September 2007 Billingham Area Board
1 October 2007 Billingham Area Board
24 September 2007 Western Area Board.

**CAB
95/07** **Diversity: Performance and Progress**

Members considered a report that outlined the progress made by the Council in achieving its diversity objectives, highlighting in particular, performance against

the first six months of the Single Equality Scheme.

It was explained that the Council had a series of legal duties to promote equality of opportunity in both its service delivery and employment practices, including a statutory responsibility to promote race, gender and disability equality.

In order to achieve these duties the Council adopted a 2nd Edition of its Single Equality Scheme in March 2007, which not only outlined the Authority's commitment to the diversity agenda but also ensured its statutory duties were being met. The Scheme was accompanied by detailed action plans for race, disability and gender equality which contained a series of actions for the authority broken down by Council Plan theme.

It was explained that the actions from the action plans were then included within Service improvement Plans for individual service areas and therefore monitored through the Council's usual performance management arrangements. This had ensured that the promotion of equality of opportunity was embedded across the Council and the responsibility for implementation lay with individual Heads of Service.

Members were advised that the approach adopted had proven to be successful and six monthly monitoring results showed that of the 78 targets in the Disability Equality Action Plan, 25 had already been met, 46 remained on target and only seven had slipped. Of the 60 targets in the Race Equality Action Plan, 14 had been met, 44 remained on target and two had slipped with the 58 targets in the Gender Equality Action Plan showing 16 met, 40 on target and only two which had slipped. It was noted that of those which had failed to meet target, remedial actions had been identified and would be implemented and monitored accordingly.

Members were informed that in addition to progress against the Single Equality Scheme the Council had also strengthened and further improved many of its processes related to ensuring equality of opportunity. Key amongst these was the development and roll out of a new Equality Impact Assessment Process. This process assessed all proposed policies and changes in service delivery for any possible negative impact against various groups in advance of their proposal to Cabinet. Any identified negative impacts could then either be addressed or amendments made to the proposals accordingly. The approach, which was now embedded in the Council's revised Constitution, ensured Members of Cabinet could be assured that all significant new policies requesting Cabinet approval would be of equal benefit to all residents of the Borough.

The diversity content on the Council's website had been significantly strengthened within the last six months to both meet the Council's statutory duties around publishing information but also to provide both Members and Officers, as well as the community, key information in relation to diversity and the Council's approach. In addition, a series of comprehensive diversity profiles were available on the website which contained information about the communities living in the borough. It was noted that the information had proven crucial in service planning and delivery, carrying out Equality Impact Assessments and could benefit community groups, for example in informing funding applications.

The involvement of the community remains crucial to the Council's success in promoting equality and diversity. The Disability Advisory Group continues to meet, advising and challenging Officers on a variety of issues including community safety, car parking and electoral registration. The group also considers the Council's progress against its Disability Equality Action Plan, thereby providing a key element of external challenge. Also, a series of guides to effective consultation have been produced, including consulting Black and Minority Ethnic and disabled residents, ensuring that officers across the Council carrying out consultation events are sensitive to the needs of all residents of the borough.

Members were informed that in September the Council and its partners from across Renaissance held a "Tell Us What You Think" event at ARC, the aim of which was to collect information to inform the statutory revision of the Race Equality Action Plan. It was advised that the event was a great success with over 170 local people attending and giving their views on a variety of Council services. It was noted that a revised Race Equality Action Plan would be brought to Cabinet for approval, along with the 3rd edition of the Single Equality Scheme, in March 2008.

Cabinet were informed that the Council continued its improvement against the Equality Standard for Local Government and had a target of achieving level 3 by 2009. The Council were making good progress towards early achievement of the target with over 50% of both level 2 and level 3 criteria already being met. The outstanding areas were Human Resources, training and procurement. However the Council was already addressing these issues with the new People Strategy, training programme and the Council's increasing influence on procurement regionally ensuring good progress towards the equalities objectives.

It was explained that effective training was an important aspect of successfully promoting equality and diversity. The Council had undertaken a large amount of training so far including training over 400 front line staff in using the Council's telephone translation system and delivering specially tailored and bespoke sessions for services on request. It was noted that a new corporate diversity training programme would be rolled out across the Authority in the new year, which would see all first, second and third tier officers, as well as 10% of all other employees, receiving training by the Spring of 2008.

Members were advised that the Council was increasingly influencing the promotion of equality of opportunity across the North East region. It was noted that a key example of this being the significant levels of involvement of the Council in the work of the North East Centre for Excellence to improve equality and procurement. Good progress had been made so far and the Council was represented on a small working group tasked with making further improvements to the process which would then be rolled out across the region.

RESOLVED that the report be noted.

CAB
96/07 **Stockton Darlington Partnership**

Members were provided with a report that presented Members with the detailed

business case for the development of a Partnership between Stockton and Darlington Councils.

Members were reminded that following earlier work four strands had been identified which it was felt would provide the most benefit and least challenge in terms of implementation:-

1. Transactional HR
2. Transactional Finance
3. Design and Print
4. Information and Communication Technology

The full business case had been prepared incorporating individual business cases for each strand. A copy of the full document was available from the Members library and the intranet. An Executive Summary had also been prepared and this was provided to Members. Members noted the key benefits identified

- Efficiency savings of £7.4 million over 10 years. This would be shared on a ratio of 61.8% to Stockton and 38.2% to Darlington to reflect the current baseline position.
- The Partnership would deliver a transformed ICT service in both organisations. The current services were identified by a consultant's report as being "utility" based and complex, with fragmented ICT investment and a lack of a long term application or architecture. The proposed service re-invests some of the efficiency gains into a strategic function which would both drive architectural change and further efficiencies and; influence, support and enable all Council services in achieving the modernisation and efficiency agenda as outlined in the recently approved ICT Strategy.
- All strands would benefit from increased capacity, resilience and improved customer service.
- The transactional finance and HR strands would benefit from investment in system and business development teams. These teams would rationalise processes and procedures as well as improve functionality and the availability of management information to service users to enable improvements in service delivery.
- The Partnership would include the completion of a new ICT room, particularly important given that Stockton needs to re-locate this facility irrespective of the Partnership. This would be based in Darlington Town Hall.
- The potential for further efficiency gains in the future via expansion with other Councils or extension into other service areas.

Members were provided with further details of the Business Case relating to Governance Arrangements, Legal Heads of Terms, Accommodation and Staffing Issues.

With regard to Staffing Issues Members noted that Trade Unions had been consulted extensively and details of the Trade Unions responses were provided. It was noted that Stockton would be the employing authority and staff from Darlington would be transferred under TUPE protection.

Members noted that the next stages of the project would be the development of a detailed implementation plan. This would include:

- The development of a legal agreement, including exit strategies
- Recruitment and selection of staff to the Partnership
- Managing the change and supporting staff through it
- Developing a positive culture and ensuring effective training and development is in place
- Development of performance management framework
- Organisation of accommodation and movement of staff
- Development of infrastructure and technology
- Continued engagement of staff and customers.

Members noted that whilst working with officers from Darlington Borough Council it became clear that there was an opportunity for further joint working around risk management and insurance. As a result a feasibility study had been commissioned to evaluate the potential to achieve efficiency savings through joint procurement of risk management and insurance services. In effect this would be via consortia purchasing which was the only viable and realistic structure to deliver benefits without the need for investment and financial risk.

Findings from the study to date indicate that there appear to be no significant barriers to proceeding with the consortia solution presently under consideration, and there is a realistic expectation that this approach would achieve worthwhile long-term savings as well as a range of non-financial benefits.

RESOLVED that

1. approval be given for the implementation of a public/public Partnership between Stockton Borough Council and Darlington Borough Council to provide joint services in:
 - ICT
 - Transactional Finance
 - Transactional HR and Payroll
 - Design and Print
2. approval is given for the Governance framework and for Stockton Borough Council to accept the delegation of the above functions from Darlington and undertake the role of employing Authority involving the transfer of staff from Darlington under TUPE protection.
3. the Corporate Director of Resources be delegated responsibility in consultation with Director of Law and Democracy and Cabinet Member to approve the Legal Agreement and the final financial position following ongoing discussions with Unions.
4. the potential for consortia purchasing of risk management and insurance services with Darlington, be noted.

**CAB
97/07**

Communication, Consultation and Engagement Framework

Members considered a report that introduced the draft Communication, Consultation and Engagement Strategic Framework. Approval of the new

Communication Consultation and Engagement Strategic Framework would ensure the Council promoted the good practice in this area and achieved greater coordination of these activities across the Council.

It was noted that the Council had a strong track record in communicating, consulting and engaging with its residents, for example through Stockton News and the biennial IPSOS MORI residents survey. The Council and its partners were continuing to develop their approach to engagement through a variety of means, most notably through the area partnerships.

It was explained that the Corporate Policy Select Committee reviewed corporate consultation as part of its 2006 – 2007 work programme and made a series of recommendations, one of which was the production of a revised consultation strategy.

As a result the draft Communication, Consultation and Engagement Strategic Framework had been produced which takes on board the recommendations of the Select Committee. It was informed by national drivers to increase levels of community involvement and also pulled together the large amount of work already undertaken by the Council into a simple strategic document.

It was noted that the draft Communication, Consultation and Engagement Strategic Framework was underpinned by a series of supporting documents which offered support and guidance for officers in carrying out their communication, consultation and engagement activities.

Members were provided with a copy of the draft Communication, Consultation and Engagement Framework and also a copy of the annual Consultation Plan for 2007/08, which was updated to quarter 2, September 2007.

RESOLVED that the draft Communication, Consultation and Engagement Strategic Framework be approved.

**CAB
98/07**

The Gambling Act 2005 - Delegation of Powers

Members considered a report that proposed the delegation of powers to the Licensing Committee in relation to small lotteries; gaming machines and/or gaming in alcohol licensed premises; and occasional use notices; and to delegate the authority to appoint 'authorised officers'; prosecution of offences; the duty to provide the Gambling commission with information and to set premise licence fees under the provisions of the Gambling Act 2005 to the Corporate Director of Development and Neighbourhood Services.

It was noted that on 30th November 2006 Council approved the Statement of Principles in relation to the Gambling Act 2005 and revisions to the Scheme of Delegations.

It was explained that with the exception of the powers to pass a resolution not to issue Casino licences and the power to approve the Gambling Policy (Statement of Principles), the 2005 Act specifically delegated most Local Authority functions to the Licensing Committee set up to deal with the Licensing Act 2003. The Licensing Committee would deal with contested applications and reviews of problem premises.

Members were advised that the primary legislation reflected some small anomalies in relation to delegation of powers but it was anticipated that the regulations to accompany the legislation would address these matters. Members were informed that there were matters that had not been resolved and these were as follows: -

- (a) The authority to grant/refuse/revoke or cancel the registration of small lotteries.
- (b) The authority to remove the right of alcohol licensed premises to two gaming machines and/or the right to have gaming on such premises.
- (c) Functions relating to the use of occasional use notices for track betting
- (d) Appointment of 'authorised officers'
- (e) Prosecution of offences
- (f) The duty to provide the gambling Commission with information
- (g) The power to set premise licence fees

Members were informed that in relation to (a) above, the legislation referred to the Local Authority rather than the Licensing Authority and in (b) to (g) there was no automatic delegation to the Licensing Committee. A debate at national level had ensued as to whether such authority would rest with the executive (as per section 13 of the Local Government Act 2000) or with Council. The advice from the Department of Culture Media and Sports (DCMS) was that these were functions of Council.

It was explained that given that a small society lottery registration was required for fundraising raffles etc, and that all alcohol licensed premise were entitled to two gaming machines, and occasional use notices could not be refused if statutory procedure was followed it might be inappropriate for such measures to be referred to Council for what would be routine decisions and which were, under previous legislation, determined by officers and/or the Licensing Committee. It was, therefore, proposed that the functions be delegated to the Licensing Committee, set up to deal with the Licensing Act 2003 who, in turn, would be invited to delegate most of these authorities to officers.

Members were informed that the Corporate Director of Development and Neighbourhood Services currently had, under the Council's Scheme of Delegation, authorisation to authorise officers to act generally and to institute legal proceedings under legislation that was within the remit of his role. It was however, considered appropriate to provide him with specific authorisation to appoint 'authorised persons' as defined in the Gambling Act and to prosecute for offences under the Act in order to withstand any legal challenges that could arise as a result of any such authorised person carrying out their statutory functions under the Act.

Providing information to the Gambling Commission was an administrative task and it was therefore considered appropriate for this function to be delegated to

officers.

It was noted that prior to this amended advice being received, the Licensing Committee had already delegated the setting of fees to officers.

RECOMMENDED to Council that:-

- 1 the authority to grant, refuse, revoke or cancel small society lottery registrations be delegated to the Licensing Committee set up to deal with the Licensing Act 2003.
- 2 the authority to remove the right to two gaming machines and/or the right to have gaming on alcohol-licensed premises be delegated to the Licensing Committee set up to deal with the Licensing Act 2003.
- 3 functions relating to occasional use notices be delegated to the Licensing Committee set up to deal with the Licensing Act 2003
- 4 the Corporate Director of Development and Neighbourhood Services be authorised to appoint 'authorised persons' under the Gambling Act 2005.
- 5 the Corporate Director of Development and Neighbourhood Services be authorised to institute legal proceedings in respect of offences under the Gambling Act 2005
- 6 the Corporate Director of Development and Neighbourhood Services be authorised to provide the Gambling Commission with information as required under the Gambling Act 2005
- 7 the Corporate Director of Development and Neighbourhood Services be authorised to set premise licence fees.

CAB **Performance, Finance and Risk Report Quarter 2**
99/07 **July - September 2007**

Members considered a report that outlined the Council's performance and financial position for the period Quarter 2, July to September 2007, providing details of performance against targets and improvement trends. The report included the linkages between finance, performance and corresponding risks, general fund balances, medium term financial and capital plan position. Also included in the report was The Council's performance against Council Plan objectives, Service Improvement Plan progress, Corporate Basket of key performance indicators, Gershon Efficiency Savings, complaints and commendations, consultation and sharing of good practice, undertaken during Quarter 2.

With regard to the Performance element of the report Members agreed that there had been good progress towards the achievement and delivery of objectives within the council plan and noted that 91% of objectives had either been achieved or were on track to be achieved. Full details of progress against each objective was provided to Members.

Members were provided with information and details of progress in terms of

each theme of the Community Strategy. Achievements and emerging issues were detailed and considered. Members also considered information relating to Complaints and Commendations received during the period.

In terms of the Council's financial position Members were provided with details of the current MTFP position and considered the reasons for movements since the previous reported position, in September.

Members were reminded that the Council's current policy was to hold 3% of General Fund expenditure as balances (equating to £7.4 million at 1st April 2008). In the report to Cabinet in September the forecast level of working balances was £13.0 million and the position had now improved to £14.1 million, with working capital now exceeding the 3% by £6.7 million. Members noted a number of major issues and pressures that may require funding from the Council's available corporate working capital.

Cabinet was provided with the Capital budget for 2007/2008 and noted movements including savings on expenditure of £(8,000) and slippage of £(3,032,000). In summary, the major reasons for the variances and the areas of slippage included Splash, where the scheme had yet to go out to tender. In addition, works on the school at Hardwick had been delayed as Electricity Board works need to be undertaken on cabling and construction would begin once this was complete. Further information on all the significant variations within the capital programme was provided.

Finally Cabinet was informed that it was expected that the Government would announce details of the Council's next three grant settlements sometime between mid November and early December. The next available Cabinet meeting could be after the consultation period had ended and therefore it was recommended that the Corporate Director of Resources, in consultation with the Leader, be delegated approval to respond to the settlement.

RESOLVED that

1. the overall report be noted.
2. the good progress in the delivery of the Council plan objectives and in meeting the corporate Basket targets be noted.

RECOMMENDED to Council that

3. the revised MTFP be noted.
4. Capital slippage of (£3,032,000) and an expenditure saving of (£8,000) be approved.
5. the revised level of working balances be noted.
6. the Corporate Director of Resources in consultation with the Leader be given delegated approval to respond to the provisional Revenue Support Grant settlement.

