

Cabinet

A meeting of Cabinet was held on Thursday, 5th November, 2009.

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

Officers: J. Humphreys, R Hill, R. Kench, J. Morrison (CESC); R. Poundford, R. McGuckin, C Straughan, S Thomas (DNS); J. Danks, J Spittle, E Chesworth (R), D. Bond, M.Henderson (LD).

Also in attendance: Cllr Jim Beall.

Apologies: None.

CAB 101/09 **Declarations of Interest**

Councillor Cook declared a personal prejudicial interest in the item entitled BSF proposed closure of Blakeston School, The Norton School and Thornaby Community School as he was a governor of Blakeston School. Councillor Cook left the meeting room during discussion and voting on the item.

Councillor Nelson declared a personal prejudicial interest in the item entitled BSF proposed closure of Blakeston School, The Norton School and Thornaby Community School as he was a governor of The Norton School. Councillor Cook left the meeting room during discussion and voting on the item.

Councillor Nelson declared a personal non prejudicial interest in the item entitled Local Economic Assessment as he served on the Board of Stockton and District Advice and Information Service.

Councillor Cook declared a personal non prejudicial interest in the item entitled Local Economic Assessment as he.

Cllr Cook declared a personal non prejudicial interest in the item entitled Economic Climate Update report as he was employed by one of the companies referred to in the report.

Cllr Coleman declared a personal non prejudicial interest in the item entitled Economic Climate Update report as he was a Director of Stockton International Families Centre which was referred to in the report.

All Cabinet members present declared Personal, Non-Prejudicial Interests in respect of this item as a result of each being entitled to Travel and Subsistence Allowances, as provided by the Council's scheme, and which were the subject of current consultation.

Councillor Beall declared a personal prejudicial interest in the item entitled BSF proposed closure of Blakeston School, The Norton School and Thornaby Community School as he was a governor of Blakeston School.

CAB 102/09 **Minutes**

The minutes of the meeting held on 1st October 2009 were signed by the chairman as a correct record.

CAB 103/09 Proposed amalgamation of Bewley Infant School and Bewley Junior School

It was explained that the Bewley schools were the only remaining pair of separate infant and junior schools in the borough. The School Organisation Plan published annually included a policy statement (agreed by Cabinet on 9 March 2006) preferring integrated primary schools.

The Primary Capital Programme (PCP) was a government funding programme intended to support the renewal or improvement of primary school buildings over a fourteen-year period. Confirmation of PCP funding for the next two years allowed the Authority to allocate capital to priority projects identified in the PCP Strategy for Change agreed by Cabinet in February. A primary school to replace Bewley Infant School and Bewley Junior School was included among the priorities in the Strategy for Change.

It was proposed that a largely new building be constructed on the combined Bewley sites in September 2011. This would involve closing the existing schools and establishing a new school. This required a statutory process of consultation and decision making. Initial consultation with parents, school staff and governors had established that the prospect of a largely new building had removed most of the opposition that existed when amalgamation at Bewley was suggested three years ago.

The view that change seems unnecessary was expressed at meetings for parents. There was clearly a concern that these successful and popular schools might be put at risk, either by the process of reorganisation or by the potential disruption caused by building work. The benefits of amalgamation were not immediately apparent to many parents. The Authority's preference for primary schools was based on the educational benefits of primary schools. Teaching and learning can be more consistent across the age ranges, with one headteacher and a single staff team working in a single building. The transition from infant school to junior school would be avoided, along with the need for a separate admissions process. Staff in primary schools enjoyed a greater breadth of experience and enhanced career opportunities compared with those working in a single key stage. Management and governance of the school could benefit from a larger budget and opportunities for economies of scale. At the second of the two meetings for parents both headteachers voiced their support for the amalgamation proposal and their confidence that a primary school at Bewley would be at least as successful as the two separate schools.

Aside from the educational case for amalgamation, the condition of the buildings at both schools meant that the Council could not simply leave the schools as they were. Surveys point to a need to invest more than £1 million on maintenance work over the next ten years. This was not due to any structural defects or neglect of maintenance in the past, but simply that important elements of the buildings (e.g. roofs, heating and lighting systems) were reaching the end of their useful life and will need to be replaced. An investment of £3m+ in a largely new building would offer better value for the long term and could be managed in a way that would minimise disruption to teaching and learning. The present buildings were structurally sound and safe, but the working environment for children and staff is likely to deteriorate in the coming

years. The money available to the Council from April 2010 provides an opportunity for renewal that may not come again for many years.

There was some concern over the impact of reorganisation on school staff: that the expertise of staff in particular key stages might be lost, or that amalgamation would place some staff members at a disadvantage. There was no doubt that reorganisation would create a period of uncertainty for staff, but the present headteachers were already working to alleviate this by planning for a joint future. Amalgamation would result in some duplication of posts and responsibilities. If the proposal was approved by the adjudicator, a temporary governing body would be set up to manage the transition to a primary school. The temporary governing body would be made up of existing governors from both schools. Working with the existing headteachers and governing bodies of the infant and junior schools, they would appoint a headteacher designate, draw up a new staffing structure appropriate to the needs of a primary school, and attempt to place existing staff members in suitable posts. This process could begin eighteen months before the new primary school opened.

Other questions raised at the parents' meetings included school management issues such as future class sizes and concern about possible bullying. There was concern about whether any part of the present school sites would be lost. It was likely that the total area occupied by the two schools would be retained in order to ensure sufficient playing fields area, safe access routes and adequate parking space for a primary school.

A primary school would receive an annual budget around £62,000 less than the combined budgets of the two separate schools. This is because school budget shares, largely based on pupil numbers, include some flat-rate elements. This loss (out of a budget in excess of £1.3 million) would be more than offset by savings accruing from reduced energy and maintenance costs in the new building, and the removal of duplicate staff posts.

RESOLVED that a statutory Public Notice be issued describing a proposal to:-

- discontinue Bewley Infant School and Bewley Junior School with effect from 31st August 2011, and
- establish a new primary school with effect from 1st September 2011.

CAB 104/09 BSF proposed closure of Blakeston School, The Norton School and Thornaby Community School

Cabinet considered a report relating to the closure of Blakeston School, The Norton School and Thornaby Community School.

It was explained that The Strategy for Change Parts 1 and 2 agreed by Cabinet and approved by government agencies included proposals to replace Blakeston School and The Norton School with an Academy located in Stockton, and to replace Thornaby Community School with an Academy on its present site. The closure of any maintained school required a statutory process of consultation and decision making.

Cabinet was provided with a summary of the responses received to an initial consultation process and recommended the publication of statutory public notices proposing closure.

Cabinet noted that the publication of a Statutory Notice would be followed by a period of six weeks in which any person may make representations in writing for or against the proposal. At the end of that period the Corporate Director of Children, Education and Social Care, in consultation with the Cabinet Member for Children and Young People, would make a conditional decision on the school closure proposals pending the signing of funding agreements for the proposed Academies.

Members noted that the Academies would be established by a separate process involving a funding agreement concluded between the proposed sponsors and the Secretary of State for Children, Schools and Families. Those Academies would adopt a new sponsorship model. The principal sponsor of the Academy in Stockton would be NHS Stockton (previously known as Stockton-on-Tees Primary Care Trust). The principal sponsor of the Academy in Thornaby would be Teesside University. Co-sponsors of both Academies would be the Borough Council and a consortium of the two further education colleges in the borough. Both Academies would receive new buildings funded by the BSF programme, but the sponsors intended to propose that both Academies should open initially in the existing buildings of the predecessor schools in order to bring about change as early as possible.

RESOLVED that:-

1. a Public Notice be issued describing a proposal to discontinue Blakeston School and The Norton School with effect from 31st December 2010;
2. a Public Notice be issued describing a proposal to discontinue Thornaby Community School with effect from 31st August 2010;
3. authority be delegated to the Corporate Director of Children Education and Social Care in consultation with the Cabinet Member for Children and Young People to nominate an officer to represent the Council as co-sponsor in concluding funding agreements for the proposed Academies with the Secretary of State.

CAB **LA Nominations**
105/09

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

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

Bishopsgarth School - Mr Iain Robinson
Conyers School - Mrs A Hunt
Fairfield Primary School - Mrs Sally Lowry
Levendale Primary School - Mr David Massey

Roseberry Primary School - Mr Stephen Watson
St. Mary's CE Primary School - Mr Keith Hissitt
Village Primary School - Sheila Smart

CAB
106/09

Listed Buildings at Risk

Members were reminded that Cabinet had previously considered a report outlining the progress to date and proposed future actions with regard to addressing the deterioration of the Brunswick Chapel. Cabinet had asked that it receive a report describing the issues presented by the listed buildings at risk within the Stockton-on-Tees area.

Members were provided with the background relating to buildings at risk, an update on the Stockton situation and the Council's approach to dealing with the buildings.

Members agreed that it was important to receive further updates on this matter.

RESOLVED that:-

1. the information provided in the report be noted.
2. update reports on this issue be provided on an annual basis.

CAB
107/09

Local Economic Assessment

Consideration was given to a report that provided members with details of progress in meeting the duty for a Local Economic Assessment.

It was explained that the sub-national review of economic development and regeneration (SNR), completed by HM Treasury in 2007, identified a new duty for local authorities to complete a Local Economic Assessment.

This was currently progressing through legislation as part of the Local Democracy, Economic Development and Construction Bill and will become a requirement from April 2010 and was expected to be completed within the following six months. The evidence base established would be used to identify the strengths, weaknesses, opportunities and threats of the local economy and hence inform comprehensive area assessment, local area agreement targets, local development framework and to underpin a range of local strategies. The document would also enable more effective representation for the borough in sub-regional and regional plans such as the Tees Valley City Region Business Case and the Integrated Regional Strategy.

Working with the Tees Valley Joint Strategy Unit (JSU) and to early guidance, officers from Stockton Council have been identifying the statistical evidence base and collating details from partners.

It was noted that the JSU was producing the Tees Valley version to an accelerated timetable and in advance of the duty requirement. A final draft would be prepared for November so that it could be used to support the revisions to the Tees Valley City Region Business Case that had become

necessary as a result of the current impact of the economic downturn.

A full dataset was being prepared that takes advantage of the freely available information through government statistics. This would be prepared in partnership with Stats@Stockton and the JSU economic forecasting team. It was important the Council did not replicate the sub-regional detail but provide a greater local focus, drilling down to neighbourhoods to show how the pockets of deprivation and affluence were influencing the economic growth of the borough.

Close working alongside sub-regional partners would ensure that the impacts these had on the wider economy were effectively considered in the sub regional and regional assessments, giving best representation of the strengths and opportunities that we had locally.

A draft document would be made available for comment prior to the final draft being presented to Cabinet.

It was considered essential that the assessment took into consideration the wider views of the business community and did not rely on statistical evidence alone. Direct input would be solicited from businesses and business forums and partnership arrangements established for future input. Whilst the assessment would be a council document to meet the required duty, Stockton Renaissance would be fully involved in the process of completion, monitoring and revision.

RESOLVED that:-

1. the work completed to date and the process for finalising the local economic assessment be noted.
2. the involvement of Stockton Renaissance in the preparation of the Local Economic Assessment be agreed.
3. the final document be presented to Cabinet.

CAB **Economic Climate Update Report**
108/09

Consideration was given to a report that provided Members with an overview of the current economic climate, outlining the effects that this was having on Stockton Borough, and the mitigations already in place and those being developed in response to this.

The monthly update report enable a focussed account to be made of any recent changes to economic circumstances (both positive and negative) the direct impact that this may be having on the Borough, and the responses and mitigations either in place or being developed to support businesses and residents.

Particular reference was made to the growing number of positive changes, including:-

- Grow How £15m upgrade to Portrack plant.
- Corus had won orders for its Teesside Cast Product plant
- Gaia had been given planning approval fro a £200m Biomass Power Station in

Billingham

· House sales in the borough were increasing

RESOLVED that the report be noted and the work being undertaken be supported.

CAB **Integrated Health and Care Facility**
109/09

Consideration was given to a report regarding Stockton on Tees Teaching PCT's plans for the Alma Street site to develop an Integrated Care Centre.

Alma Street site had separate office accommodation (for approx 70 staff), a caretakers house and the Alma Centre - a day service facility for some adults with disabilities, older people and older people with mental health needs.

It was proposed that the existing day centre provision at Alma was transferred to the Halcyon Centre Thornaby (on Thorntree Road/ the former Harewood Infants School). Additional capital works would be required to the Halcyon Centre to accommodate the expanded services.

Consultation was undertaken on the proposed move of the day centre from Alma Street site to the Halcyon Centre and the feedback of this process was reported to Cabinet in August 2009.

The proposals regarding land sales were not confirmed at that stage as the Council and PCT (via its third party developers LIFT) were in negotiation regarding the valuation.

The Council had been in negotiation with the PCT regarding the sale terms in respect of the Alma Street site and provisional agreement had now been reached to sell the Council's freehold interest for the sum of £500,000 plus a disturbance payment of £250,000.

The PCT business case for an integrated health and care facility located on the Alma Street site must meet value for money and affordability requirements. The PCT approval processes differ from the Council and definitive sign off of their business case was not until February 2010. The building changes to the Halcyon Centre and associated costs would be required in advance of PCT approval process in order to meet PCT timetable for its building programme. The land sale could be agreed by the PCT in advance of this process.

There were, however, costs associated with the relocation of services and staff from the current site. The proposed move of the day centre services to the Halcyon centre would require renovation work estimated at £600,000.

Alma House currently accommodated approximately 90 staff and those staff would need to be relocated. This offered an opportunity to develop other Council administrative buildings using the principals of the Council's Workwise Strategy. Although this would require up front costs of approximately £150,000, it would rationalise the Council's buildings portfolio, result in a revenue saving to the Council of over £60,000 per annum.

The PCT and Council had been in negotiation regarding the land sale and the receipt (totalling £750,000) would be sufficient to cover the costs of relocation to the Halcyon Centre and make a contribution to the Office moves. It was requested that Cabinet delegate authority for agreement to the land sale and the progression of the capital changes to the Halcyon Centre to the Corporate Director of Resources and Director of Law and Democracy.

It was noted that if the buildings were retained by the Council, the current estimate of maintenance requirements would require investment in the region of £800,000 over the next 5-10 years. The closure of the buildings would also have a positive impact on the Council's carbon reduction commitment requirement.

There were also potential revenue savings associated with the service transfer of Alma Centre to the Halcyon Centre of approximately £70,000, however these were likely to be offset by additional costs such as transport in the region of £20,000 resulting in a revenue saving of £50,000.

It was important that this scheme progressed, as the proposed changes to the Alma site had a "domino" effect on a range of service issues linked to the Efficiency, Improvement and Transformation programme (EIT), accommodation plans for Integrated Service Areas and the Work Wise programme.

Additional efficiencies may emerge following the EIT review of Adult services. As part of the consideration around the shape of day services, the expanded facility at the Halcyon Centre could offer greater flexibility to facilitate additional changes to the configuration of day services. In addition the impact from the EIT reviews of FACS and Transport may in turn impact on potential efficiencies.

Following discussion with the PCT the extent of integrated health and care accommodation in the new Alma facility may be more limited than initially anticipated. This was because as the scheme was now a more clinical model (akin to a "mini hospital") with less community and primary care services expected to operate within it. The principle of integrated working of health and care staff remains critical to service planning. But other facilities may be available that were more "low tech" which could enable integrated health and care staff to operate within them at a lower cost than in the proposed Alma facility.

There would be further discussions with the PCT on the range of services that might be appropriate to include within the new Alma Street facility. Any option will be reviewed against the potential of other facilities within the Council as part of the ongoing Work Wise review and value for money. These plans could be developed separately from the land sale discussions highlighted above.

Following Cabinet agreement to the land sale, plans would be put in place to start the necessary building works at the Halcyon Centre. The building works was likely to take 6-8 months and the transfer of the day service would not occur until September 2010.

Further detailed work would be undertaken to inform clients and staff on the changes and timetable for the works. A project group was in place, which was taking forward the operational aspects of the proposed changes.

The PCT had agreed to acquire the site for £500,000 plus a disturbance payment of £250,000. This total receipt of £750,000 met the costs of service re-provision and capital changes to the Halcyon Centre as well as a contribution of the office accommodation changes relating to the re-provision of the Alma House facility. This would also result in ongoing revenue savings of approximately £110,000 per annum and avoid future costs associated with impending maintenance requirements.

RESOLVED that the sale of the Alma Street site to Stockton on Tees PCT for £500,000 plus a disturbance payment of £250,000 with the finalisation of terms and conditions delegated to the Director of Resources and the Director of Law and Democracy.

RECOMMENDED to Council that it approve the Capital expenditure works to the Halcyon Centre of £600,000 to enable the re-provision of the Alma Centre services to the Halcyon Centre, and a capital allocation of £150,000 to undertake works to administrative buildings to relocate staff from Alma House.

**CAB
110/09** **Substance Misuse**

Consideration was given to a report that provided members with a proposed substance misuse policy.

Members noted that the Health and Safety at Work etc Act 1974 had an over-arching requirement that employers should keep employees and third parties free from risk of harm as far as reasonably practicable. Employees were also required to cooperate with and implement their employer's policies in this respect.

The Management of Health and Safety at Work Regulations 1999 required a suitable and sufficient assessment of risks arising from workplace activities to be undertaken, and this included risks arising from potential drug and alcohol use. In addition, the regulations placed a legal duty on employees to inform their employer of any situation that could be considered to constitute risk, and therefore must report any other employee who appeared to be under the influence of drugs or alcohol.

The proposed policy had been produced to ensure that employees were aware of the risks associated with substance misuse and the consequences, including any legal consequences, of their actions. In addition, one of the key aims of the Employee Health and Well Being Strategy was to support the health priorities for the borough, one of which was to address alcohol consumption. As the council employs nearly 10,000 staff of whom 74% live within the borough, it was expected that this policy would have a positive impact on the health of our citizens.

The policy was written to be supportive in the first instance. It would only be necessary to take more formal action if the member of staff refused to accept help and all other reasonable steps to address the issue had been tried.

The aims of the policy were to:-

- Promote a culture in which substance misuse is unacceptable.

- Prevent substance misuse by raising awareness.
- Give a clear understanding on the Councils rules on drugs and alcohol
- Provide clarity and practical guidance on how to deal with substance misuse effectively
- Promote a safe working environment
- Recognise substance misuse problems primarily as a health matter needing help and treatment.
- To encourage employees, wherever possible, who suspect or know they have a substance misuse problem to seek help voluntarily and provide assistance to these employees to overcome their problem.
- Maintain and improve employee performance
- To take appropriate action under the disciplinary or capability procedure, where necessary.
- Implement a policy which will both protect the employee and the Council

The Trade Unions had been consulted and were broadly supportive of the approach. However, they had expressed some concerns over the proposal in the policy which required employees not to consume alcohol at all during working hours.

On 5th March 2009, Cabinet considered a report on drug and alcohol testing for taxi drivers. In approving the report, Cabinet resolved that "Officers investigate the introduction of random drugs testing for all who drive vehicles or operate heavy machinery on behalf of the Council". The development of testing protocols, training and discussions with the taxi drivers were nearly complete and it was anticipated that testing would begin shortly. For employees, the introduction of testing would need to be agreed with the Trade Unions and incorporated into a specific policy showing clearly the benefits to be gained and the financial implications associated with this approach. Testing was not widespread in local government and evidence for its introduction was not therefore readily available. It was therefore recommended that a decision on this issue be deferred until the operation of the scheme for taxi drivers had been in operation for 6 months. This would enable a clearer assessment of the benefits of the application of the scheme to employees to be fully understood.

During consideration reference was made to a study relating to alcohol misuse in the borough. It was suggested that the figures quoted in that study could provide an indication of the potential for necessary support to employees. It was unclear on what basis figures had been prepared and it was suggested that officers look into this further and inform members.

RESOLVED that:-

1. the Substance Misuse Policy be approved
2. consideration of the application of drug and alcohol testing to employees until the scheme for taxi drivers has been in operation for a period of 6 months be deferred.

CAB **Minutes of Various Bodies**
111/09

Consideration was given to the minutes of the meetings of Various Bodies.

RESOLVED that the minutes of the following meetings be received/approved, as appropriate:-

Western Area Partnership 23 June 2009
Billingham Partnership 7 September 2009
Housing and Neighbourhood Partnership 15 September 2009
Tees Valley Living 16 July 2009

**CAB
112/09 Employee Survey 2008**

Consideration was given to a report that provided feedback on the outcomes of the Employee Survey 2008 and sought endorsement of an action plan in response to those outcomes. A copy of that Action Plan was provided to Members. The report also provided findings coming from the Investors in People Assessment 2009.

It was explained that the survey had been distributed to 4,657 employees for completion on a voluntary basis either electronically or by hard copy. An overall response rate of 40% was achieved with 1,840 surveys returned. This compared to a 30 % response rate in 2005. The results became available in April 2009. The results were very positive and showed a high degree of employee engagement. Initial work was also undertaken in the development of the survey to allow for benchmarking. Stockton were placed in the upper quartile for 15 comparable questions, against public, private and voluntary sector organisations in areas such as volume of work, ways of working, employee motivation, clear expectations of job role, information to do the job effectively, and Stockton being a good place to work

The key messages from the questionnaire were as follows:-

- 79.4% enjoy working for SBC
- 77.9% consider SBC as a good place to work
- 78.7% see themselves working for SCB in 12 months time
- 73% would recommend it as a good place to work
- 86.2% have good clear objectives for their job
- 85.2% are clear how their job contributes to the success of organisation.
- 82.9% receive effective support from managers
- 74.5% feel able to express concerns at work

The intended outcome of the focus groups was to provide comparable smart data alongside robust qualitative data that would explain any issues and how they could be addressed. Service managers would then be equipped with enough information to be able to develop and implement realistic action plans for improvement, tailored to their individual service needs and issues to be tackled at a corporate level could be identified and addressed. All service groups had access to the information for their relevant areas as well as Council wide.

Subsequently the following focus groups were established:-

- Staff groups

- Managers group
- Trade Unions

There were three corporate areas where the survey suggested that there were significant variances between those staff that agreed with a line of questioning and those that didn't:-

- Communication issues
- Learning and Development
- Bullying and Harassment

Representatives of individual service areas, staff, managers and Trade Unions were invited to focus groups to enable the Council to gain a better understanding of the issues raised in the three areas identified, obtain suggestions for improvement and ensure that the actions taken to address the less positive staff responses were the correct ones.

The detailed focused group responses were provided to Members.

The Investors in People tool had long been acknowledged as an effective business improvement tool, which enabled organisations to improve performance in support of business objectives. It is a nationally recognised standard of good practice. The external assessment has been reviewed and is a tougher test than it was previously. The standard looks at how the organisation develops strategies to improve its performance, how it takes action and how it evaluates the impact of the actions on performance.

There were 10 criteria with a heavy emphasis on management capabilities to lead, manage and develop people. Importantly, it was no longer assessed via paper based evidence but relied upon employee interviews which measure how the standard is actually working in the workplace i.e. the true culture of the organisation.

A sample of 187 (3.9%) of the total staff employed were interviewed from across service areas and included members, managers, trade union representatives and a range of employees of all disciplines.

In July, Stockton Borough Council became the first local authority in the region to achieve a Silver Award at the higher level of the improved 'Investors in People' Assessment. The Council was also assessed under the new 'Health and Wellbeing' standards and was commended for its commitment and delivery against its Workforce Health and Wellbeing Strategy.

Whilst a Silver Award demonstrates exceptional achievement by an organisation showing best practice in many areas, there were some developmental areas, which would need to be addressed, should the Council wish to achieve the Gold Award upon reassessment in 2012.

Development areas for IIP were:-

- More formalised planning in advance of training
- Consideration of individual learning styles
- Improve evaluation of training at individual and corporate levels

- Consistent application of feedback of actions by managers
- Develop a strategy that would identify recognition and reward
- Formalise the work/life balance strategy in a policy

A report had been received from the external assessors and a summary of key strengths and areas for development for the organisation was provided to Cabinet.

Future action plans had been discussed with Assessment North East Ltd (the IIP Assessors) and this would help inform the People Strategy and Workforce Development plans over the next three years.

It was evident through the analysis of both sets of findings that there was a similarity of issues that could be addressed through the formulation of a single action plan.

It was suggested that wording contained in the Action Plan was negative to older people and should be amended.

RESOLVED that the action plan be approved.

CAB 113/09 Pitt Review and the Draft Flood and Water Management Bill

Members considered a report that set out the key issues emerging from the draft Flood and Water Management Bill which was the government's response to the Pitt Review into the summer floods in 2007.

There were several reasons why the new Legislation was needed:-

- * The current flood and coastal erosion risk management as well as reservoir safety Legislation is outmoded and has its roots in the 1930's;
- * The Pitt review identified gaps in the way that risk is managed;
- * The need to adapt to climate change with the changing patterns of rainfall as flood flows in rivers plus increased risk from surface run-off;
- * EU Flood Directive and the need to fulfil those requirements.

The legislation included measures that were highlighted in the government's 'Future Water' strategy and it would help deliver the requirements of the EU Floods Directive.

Key issues for the Council, raised by the Bill included:-

- setting out a local leadership role for local authorities
- a requirement of developers to include sustainable drainage where practicable, in new developments. Approval, adoption and maintenance of the sustainable drainage systems (SuDs) would fall to local authorities.
- The development of a Surface Water Management Plan (SWMP)
- a skills gap in terms of drainage engineers
- impact on resources – eg delivery of SWMP and SuDs

In response to the Bill Stockton had taken the lead role in setting up a Tees Valley Flood Risk group with the other four Authorities, the Environment Agency, Northumbrian Water and Emergency Planning.

The role of this group was:-

- * To develop surface water management plans.
- * To develop a methodology for asset management of the drainage systems.
- * To develop an approach to the design and adoption of Sustainable Urban Drainage systems.
- * To ensure that there is a mechanism in place to communicate with other parties working on flood risk e.g. planning officers developing strategic flood risk management.
- * To agree an action plan for the delivery of Catchment Flood Management Plans on cross boundary issues.

Bi-monthly briefings with Cabinet Member for Resources had been established.

RESOLVED that:-

1. the response to the draft Flood and Water Management Bill and the implications that this proposed legislation had for the authority be noted
2. that the impact upon resources that the proposed legislation may have be noted and the implications be highlighted in the service planning and budget setting process.

CAB 114/09 Criminal Records Bureau Checks for Elected Members and Co-optees and the new Vetting and Barring Scheme

Consideration was given to proposed arrangements for elected members and co-optees to undertake CRB checks within 28 days of their election or appointment to the Council, and on a three yearly basis.

The Council had a public duty in relation to the safeguarding of children and vulnerable adults, which demanded that both officers and members who worked in close proximity to, or may visit anyone who might fall into those vulnerable groups, were appropriately vetted. The Council's policy for CRB checks, which were one way of establishing the suitability of individuals in positions of trust, applied only to employees. As a principle, it was considered that CRB checks should also be extended to elected members and to co-optees (together referred to as "Members").

Under the Criminal Justice and Court Services Act 2000, it was an offence for a person who had been disqualified from working with children to be employed in a "regulated" position. In addition, it was an offence knowingly to offer work in a regulated position to someone who was disqualified from working with children. Regulated positions included being a member of a "relevant local government body". This meant individuals (members) who:-

- discharged education or social service functions as an individual e.g. the Cabinet Members for Children and Young People, and Adult Services and Health.
- were members of an executive of a council which discharged such functions i.e. all cabinet members.

- were members of a Committee which discharges such functions i.e. all members (including co-optees) on the Corporate Adults Services and Social Inclusion, Children and Young People, and Health Select Committees and the Education Support Panel.

- Conducted inspection visits to social care establishments

Unless “relevant” members were CRB checked, the Council ran the risk of prosecution if it emerged that a disqualified person was discharging education or social services functions in a regulated position (unless it was able to establish that it did not knowingly offer such “work”). The member concerned also risked prosecution as well.

In view of the above, it was proposed to require the following “relevant” members to be CRB checked:-

- All Cabinet Members

- All members of the Corporate, Adult Services and Social Inclusion, Children and Young People and Health Select Committees and the Education Support Panel.

- All members who undertook inspection visits to social care establishments.

Other members who substituted for any of the members specified above should also be required to be checked, and should not be able to substitute unless they had been checked. It was also considered reasonable for members who sat on other bodies, which had links to education or social services functions, to be CRB checked. This would, for instance, cover the Childrens Trust and the Community Safety Partnership. The Mayor and Deputy Mayor should also be CRB checked, given the nature of the events which they attended eg involving schools and school children and vulnerable adults. In addition, members who held young peoples’ ward surgeries or otherwise had contact with children or other vulnerable people, should be CRB checked by the authority.

All members were, of course, corporate parents and have signed the corporate parents pledge to (amongst other things) “take responsibility for working collaboratively to support children and young people in public care and care leavers to ensure” they are enabled “to reach their potential emotionally, educationally, physically, psychologically and socially.” In view of this, it was considered that Members not covered by any of the other categories as ‘a relevant member’ should nonetheless be CRB checked in light of their role as corporate parents. This would therefore mean that all elected members should be checked.

The proposed checking procedure was suggested as follows:-

- A countersignatory in Democratic Services (Head of Democratic Services) or authorised representative would issue CRB application forms to relevant

Members.

- The forms, with relevant documentary evidence, would be returned to and considered by the countersignatory
- The countersignatory would send the completed forms to the CRB
- Disclosure certificates would be sent by the CRB direct to the relevant Member and a copy would be sent to the countersignatory.
- Where a disclosure showed no convictions, or matters of concern, a file note would be made confirming that the relevant Member was eligible to (continue to) hold a regulated position, based on the CRB clearance.
- A copy of the note would be sent to the relevant Member.

Where a disclosure revealed convictions or other information which carried an automatic ban from working with children, the Countersignatory would notify the Director of Law and Democracy who would immediately inform the Chief Executive (or authorized representative) and the relevant Group Leader (or Deputy Leader) so that the disqualified member could be removed immediately from the regulated position. In the case of a co-opted member, that member would be informed direct that they had been removed with immediate effect, from the relevant regulated position.

Where a disclosure showed convictions or other information which do not carry an automatic ban from working with children, the following action was proposed:-

- The countersignatory would notify the Director of Law and Democracy (DOLD)
- DOLD would arrange a meeting with the relevant member and other senior officers (the Chief Executive and/or relevant Corporate Director(s) or their authorised representatives) taking such advice as is considered necessary from other appropriate officers.
- The relevant member would be entitled to bring their Group Leader or Deputy Leader or other representative to the meeting.
- The outcome of the meeting would be recorded and a copy of the record will be provided to the member within five working days.
- Following the meeting a decision would be made by the Chief Executive or authorised representative whether to allow the relevant member to continue to hold a regulated position or to ask the relevant Group Leader to remove them from the regulated position.
- Where co-opted members were involved, the Chief Executive, or authorised representative, would decide whether the person concerned should continue to hold the regulated position or be removed from that position.
- When a decision had been made a file note would be prepared by DOLD

confirming the decision and a copy would be sent to the relevant member.

Details of the proposed vetting and barring scheme introduced under the Safeguarding Vulnerable Groups Act 2006, were also noted.

RECOMMENDED to Council that:-

- 1. CRB checking be extended to all Elected Members and to relevant co opted members as appropriate;**
- 2. All Members who are not the subject of an existing valid CRB check undertaken in connection with their role with the Council, should be vetted (co opted members as appropriate);**
- 3. Subject to this, CRB checks should be applied for within 28 days of the Council's decision to approve the proposed vetting arrangements and that new Members be required to apply for a check within 28 days of their election or appointment to a regulated position, whichever is the earlier;**
- 4. checks be undertaken every three years**
- 5. The level of disclosure applied for to be enhanced rather than standard; and**
- 6. The procedures for applying for and checking of disclosures, be approved as described above and in paragraphs 22,23 and 25.**

**CAB REview of Workplace Travel 09
115/09**

Consideration was given to proposed amendments to the current arrangements for the reimbursement of employees who use their vehicle on Council business, along with a proposal to remove the current entitlement to car parking permits for employees using the Council's car parks and to changes to subsistence and travelling allowances. These proposals also included a review of members allowances in line with the changes proposed for employees.

It was noted that under the Single Status Agreement, although a number of changes were agreed to terms and conditions of employment, the issue of travelling allowances and expenses had been deferred due to the complexity of the issue and the need to introduce single status without delay. However, the current system of reimbursement was both costly and due to the difficulty of interpreting national conditions of service, had not always been applied consistently across the Council. There was therefore a need to change and to introduce a scheme which was transparent, equitable, sustainable and reduces costs. In addition, the Corporate Travel Plan introduced a target to reduce car mileage by 5% by April 2011. The proposed changes therefore contributed to assisting the Council in reaching its target and would provide a significant financial saving, simplify the current administrative arrangements and ensure that all allowances were paid in an equitable and consistent manner.

It was noted that the current Essential and Casual Car User Allowance system paid a lump sum allowance to employees designated as essential car users. Essential car users were defined as 'those whose duties are of such a nature

that it is essential for them to have a motor car at their disposal whenever required. 'In practice it was very difficult to apply this definition consistently as many employees need to use their car to enable them to undertake their duties effectively. The consequence of this is that many Councils had introduced additional criteria such as a minimum annual mileage requirement. The danger of this was that it potentially increased mileage as employees try to qualify for the allowance and it was less applicable in Councils which are smaller in area. Those in receipt of an essential car user allowance receive a lower mileage rate than casual car users and both the lump sum allowance and mileage rates are increased according to the engine size of the vehicle. It was therefore proposed that the existing essential car user allowance should be removed and employees who are required to use their car for work are simply designated as Car Users. A single mileage rate would be paid irrespective of the engine size of the car with lower rates paid for journeys in excess of 4000 miles and 8,500 miles Transitional arrangements were also proposed in recognition that for some employees these proposals would represent a significant reduction in the allowances claimed. Although motorcycles were a more sustainable alternative to the motorcar, the current scale of allowances was much lower than those paid for journeys made by car or even bicycle. It was therefore proposed to introduce a single mileage rate based on 50% of the lowest casual car rate i.e. 21.45p per mile.

In view of the current financial climate it was considered opportune to review those subsistence and travelling allowances whose removal would impose only a limited financial burden on recipients. Accordingly it was proposed that:-

- Lunch and Tea allowances should cease to be paid
- Breakfast will only be paid when the journey has commenced before 6.00am
- Employees travelling by train will be reimbursed the standard second class or lowest cost option fare available only.

It was proposed to implement these changes with effect from 1.4.2010. These proposals insofar as they applied to elected members were also the subject of consultation, and would be considered further at a future meeting of Cabinet.

The current car parking permit policy provides free long stay permits to staff that are based in Stockton town Centre irrespective of their need to provide a car to carry out their duties. In 2008/09 the cost of providing these permits was £211,000 per annum. It was proposed that free car parking permits should be withdrawn for all employees. This will include those wishing to park at the rear of Municipal Buildings, 16 Church Road and Bayheath House. Following discussions with the Trade Unions it is proposed to have a simple scale of charges linked to salary so that the impact on lower paid and part time employees will be reduced. In addition allowing employees to pay for a car parking permit through a salary sacrifice scheme would enable them to typically save an additional 25% of the cost. The maximum charge for a car parking permit will be based on the current long stay season ticket price of £377 per annum. It was also proposed to implement these changes with effect from 1st April 2010.

The possibility of introducing measures designed to reduce car mileage were also being investigated. Currently an additional 3p per mile could be claimed for the first passenger and 2p per mile for the second and subsequent

passengers carried to whom a travelling allowance would otherwise be payable. It was proposed to continue with this allowance. In addition the possibility of introducing eco friendly pool cars and salary sacrifice arrangements in respect of bus fares were also being investigated.

Members requested information relating to the procedure adopted for checking officer and member travel and subsistence claims.

RESOLVED that the following proposals be approved for the purpose of Trade Union and Member consultation:-

1. The proposed removal of the essential car user allowance be approved and a single mileage rate be paid to all car users irrespective of the engine size of their vehicle based on the lowest nationally negotiated rate for casual car users.

2. The proposed new rates in respect of Bicycle and Motorcycle allowances, be approved.

3. The proposed transitional arrangements in respect of the changes to Workplace Travel and Travel Allowances, be approved.

4. The current scheme of subsistence allowances be amended as follows:-

- Lunch and Tea allowances cease to be paid
- Breakfast will only be paid when the journey has commenced before 6.00am
- Employees travelling by train will be reimbursed the standard second class or lowest cost option fare available only

These changes be implemented with effect from 1.4.2010

5. The current entitlement for staff to be provided with free car parking permits be removed with effect from 1st April 2010.

6. Delegated authority be given to the Corporate Director of Resources, in consultation with the Cabinet Member for Management and Finance and the Director of Law and Democracy, to make amendments to :-

- a. the proposed phasing in arrangements in respect of travelling allowances and
- b. the charges to car parking permits following consultation with the Trade Unions.

c. Finalise the details of a pool car scheme.

RECOMMENDED to Council that it note the above proposals and that, following consultation, proposals relating to elected members travel and subsistence allowances would be presented to Council for consideration.

**CAB
116/09** **Exclusion of the Public**

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

**CAB
117/09** **Housing Regeneration Response to the Credit Crunch**

Consideration was given to a report that sought Cabinet approval to introduce an innovative Rent to Buy scheme at Hardwick as part of the Council's strategy to kick start the local housing market.

It was noted that the arrival of the credit crunch and global down turn had inevitably affected the Council's major housing led regeneration schemes at Mandale, Parkfield and Hardwick and a summary of those effects were outlined to members

In response to the impact of the recession and credit crunch, a 'Rent to Buy' pilot led by the Council has been developed at Hardwick. 'Rent to Buy' was a relatively new tenure introduced mainly in response to the credit crunch. There are a number of different variations available but it broadly involves the occupier renting a home for 5 years and then purchasing with some of the rent paid converted into a deposit.

The proposal involved prudential borrowing to purchase stock from the developers and allocating the homes on a Rent to Buy basis for local residents applying on the Council's Affordable Homeownership Register.

A number of different options for delivery had been explored:-

- HRA Reform
- Charitable Subsidiary
- 'Warehousing Structure'

Due to the level of control provided to the Council and despite not legally owning the properties, the Warehousing Structure option was the preferred delivery model recommended to Cabinet for approval.

The draft Rent to Buy Policy was provided to members and its key features and potential risks were summarised.

Members also received details of financial and legal implications associated with the proposals

RESOLVED that:-

1. the introduction of a Rent to Buy pilot at Hardwick and delegate approval of the final policy and any subsequent amendments to the Corporate Director of Development and Neighbourhood Services in consultation with the Cabinet Members for Housing and Community Safety and Regeneration and Transport be approved.

2. the 'Warehousing Structure' be approved as the Rent to Buy delivery model and a Registered Social Landlord partner be procured through the Public Contracts Regulations 2006, Restricted Procedure, with final selection delegated to the Corporate Director of Development and Neighbourhood Services in consultation with the Cabinet Members for Housing and Community Safety and Regeneration and Transport.

RECOMMENDED to Council that approval be given for prudential borrowing, as detailed in the report, to fund the Rent to Buy pilot.

