

Cabinet

A meeting of Cabinet was held on Monday, 20th December, 2010.

Present: Cllr Ken Lupton(Chairman), Cllr Jim Beall, Cllr David Coleman, Cllr Robert Cook, Cllr Terry Laing, Cllr Mrs Ann McCoy, Cllr Steve Nelson, Cllr Mrs Mary Womphrey

Officers: N. Schneider (CE); J. Danks, J. Spittle, L. King, A. Kelly (R); D. Bond, M. Henderson, M. Jones, J. Trainer (LD); P. Dobson, R. Poundford, D. Kitching, R. Young (DNS); S. Willson, S. McLurg (CESC)

Also in attendance: Cllr Suzanne Fletcher, Cllr D. Cains, Chris Livingstone (Jobcentre Plus)

Apologies: Cllr Mrs Jennie Beaumont

CAB 125/10

Declarations of Interest
Councillors Beall, Lupton, Mrs McCoy, Nelson, Mrs Womphrey, Laing, Cook, Coleman, Cains and Mrs Fletcher declared a personal non prejudicial interest in the item entitled Scrutiny Review of Outside Bodies as they were members of organisation(s) referred to in the report.

Councillor Beall declared a personal non prejudicial interest in the item entitled Stockton Communities Fund as he was Chairman of Eastern Ravens Trust.

CAB 126/10

Scrutiny Review of Outside Bodies
Cabinet considered a report that presented the finding of the Executive Scrutiny Committee's Task and Finish Group following their review of Outside Bodies.

The topic for review was identified by Scrutiny Liaison Forum in February 2010, incorporated into the scrutiny work programme, and delegated to a Task and Finish Group by Executive Scrutiny Committee. The Group examined how appointments were made, the level of Member participation and how Members reported back. The overall aim of the review was to ensure that appointments were of benefit to the Council/outside body and to establish clear reporting back mechanisms thereby improving the quality of outcomes for both the Authority and Stockton residents.

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

RESOLVED that:-

1. the information requested annually from Outside Bodies and held by Democratic Services be improved and expanded to include a description of the Body, meeting frequency, time and dates/days of meetings and whether substitutes are permitted, and are categorised in to types of body, e.g. statutory, partnership, joint, community to improve understanding of the nature of the organisations
2. the further information indentified above be circulated to Political Groups prior to Annual Council to assist with the consideration of whether a nomination(s) was appropriate, and if so the number of nominations, and identify the

appropriate nominee(s) (to be considered at recommendations 3)

3. group secretaries be given the opportunity to meet prior to Annual Council to discuss nominations to Outside Bodies

4. appointments be made on a four year term basis, recognising however, that for various reasons decisions might be required during the 4 years to terminate the original term of office and/or agree a replacement appointment

5. the appointment process be mapped and made available to all Members

6. an area in the Members' Library section on the intranet (and internet if the information could be made available to the public) be allocated for officers to upload relevant information received from Outside Bodies, including reports, minutes, and links to the organisations websites where applicable

7. in addition to officers, Members be requested to provide annual feedback from the bodies they were appointed to, monitoring the activity of those bodies and the value of the appointments

8. Members be advised of the relevant officer(s) and Cabinet Member to contact with issues or concerns for each body

9. the Community Development Team and Catalyst be asked to continue to facilitate the provision of advice and assistance to community groups regarding Trustee Liability insurance issues

10. the names of the schools governing bodies, which Members are appointed to be stated on each Member's Eagenda profile.

CAB 127/10 Appointment of Local Authority Representatives to School Governing Bodies

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 nomination to school Governing Body as detailed within the report.

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

Oxbridge Lane Primary School – Mr D Rose

CAB 128/10 Children's Social Care Workload Pressures

Cabinet considered a report relating to Children's Social Care Workload Pressures.

The purpose of the report was to continue to keep Cabinet updated on these pressures further to the previous report on 2nd September 2010. The report

was based on information until the end of September 2010.

The number of referrals received had continued to fall overall from the high point of 249 in March to 177 at the end of September.

The number of initial assessments remained high, however and the number of core assessments had fluctuated with no clear discernible trend.

This combined volume of work meant that the service remained under substantial pressure, which continued to have a significant impact on key performance indicators relating to initial and core assessment timescales.

The overall number of children who were subject to a child protection plan had continued to reduce from the peak of 282 in February to 231 in September.

The numbers of section 47 investigations, child protection conferences and children becoming subject to a child protection plan remained high.

The 'conversion rate' ie the percentage of referrals that subsequently led to a child protection plan for July to September was 2.9% compared with 3.3% between April and June.

The overall number of looked after children had continued to increase, reaching a peak of 303 in September.

The reason for the overwhelming majority of admissions to the looked after system continued to be 'abuse or neglect' which meant that there was little option to these children entering the looked after system.

Due to the continued rise in the number of children entering the looked after system, it had not been possible to place all the children in 'in house' provision, which had led to a corresponding rise in the use of external placements. This in turn had significant budgetary implications which were addressed in the report.

The 'conversion rate' ie the percentage of referrals that subsequently led to a child becoming looked after for July to September was 2% compared with 1% between April and June.

Members noted that given the difficulties, a workload pressures action plan had been drawn up, covering a range of issues relating to staffing and allocations, and regular meetings were taking place involving the Corporate Director, Head of Service and Service Managers in order to review and update this.

The pressures continued to have an impact on the Children, Education and Social Care budget in a number of key areas which had projected overspends:-

- Independent fostering agency - projected overspend of £975k.
- Children's homes agency placements - projected overspend of £1,091m.
- Social work staffing projected overspend of £285k.

This was being considered as part of the overall Medium Term Financial Plan position.

It was fully acknowledged that this level of budget pressures was not sustainable and following the EIT Review of Child Placements, work had been ongoing in relation to the agreed recommendations. Two of the recommendations were highlighted to Members, which were specifically targeted to impact on the budget pressures.

One of the key recommendations arising from the review was that a marketing officer post be created as a two year fixed term contract on an "invest to save" principle. The rationale behind this was that if more Stockton-on-Tees Borough Council approved foster carers could be recruited, this would enable more children to be placed "in house" as opposed to more expensive independent fostering agency (IFA) placements resulting in financial savings to the authority. The marketing officer post had been created, advertised externally and an appointment had been made.

A further recommendation was that the viability of increasing Stockton-on-Tees Borough Council children's home capacity be explored. Given the numbers of children in external residential placements, the extremely strong track record of the current "in house" children's homes and the significant potential cost savings this was considered to be high priority.

RESOLVED that:-

1. the continued workload pressures within the social care system and the associated impact this was having on caseloads, performance and budget be noted.
2. further update reports on a quarterly basis be received in order to continue to monitor the impact of these workload pressures.

CAB **Economic Climate Update Report**
129/10

Cabinet considered a monthly update report providing 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.

Further to a request, at a previous meeting of Cabinet, Chris Livingstone, from Jobcentre Plus, was in attendance to provide further detail behind indicators relating to;-

- Numbers of people on Job Seekers Allowance
- New Claims to Job Seekers Allowance
- Vacancies Notified
- Unfilled Vacancies

Members noted that Stockton's indicators were positive in terms of trends across the Tees Valley.

It was explained that vacancies detailed within the indicators only reflected about 30% of total vacancies available to Stockton Borough residents. The

remaining vacancies were accessible via other means such as web sites. Typically the 7.4 jobseekers per vacancy recorded for November 2010 would, taking all vacancies into account, actually be 2.23.

Members were informed that customers visiting the Jobcentre could view jobs it had been notified of on job points. The system allowed users to refine searches but they could also view all jobs, regardless of type, pay level, area etc.

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

CAB
130/10 **Stockton Communities Fund**

Consideration was given to a report on the Stockton Communities Fund. There was a requirement as part of the Council's governance of the Working Neighbourhoods Fund that Cabinet receive a report on the delivery of the Communities Fund. The report provided an 18 month update on the performance and progress of the delivery of the employability and skills element of Stockton's Communities Fund.

Five contracts had been procured and were awarded to three providers.

- The Five Lamps Organisation covering the two contract areas of parts of Thornaby and Stockton Town Centre.
- Newtown, Norton and Clarendes Community Resource Centres (now Know How North East) were focusing on the two areas of Newtown and parts of Billingham
- New College Durham working in the Hardwick/Ragworth areas.

Delivery had commenced in April 2009 and Members' attention was particularly drawn to:-

- The priority groups engaged:

- 198 lone parents;
- 136 people with a drug or alcohol issue;
- 264 ex-offenders;
- 227 people with a health condition
- 127 BME residents.

- As at the end of September 2010, 643 of those residents engaged had found work, which was in line with the providers anticipated success rate of a ratio of three or four to one or 28% success. In comparison, based on figures recently released by DWP the best local Flexible New Deal provider was converting at a ratio of 16 to 1 or 6%.

- The number of people claimed who had been retained in employment at 26 weeks was 155.

- The majority of job outcomes were full time positions, but where they were of a part time nature they were generally above 16 hours, ensuring individuals were able to claim tax credits and therefore would not be worse off in work.

- All of the providers were working in partnership with Tristar Homes using their household intelligence to identify suitable people and families with particular successes at Norton Grange and Tilery. Similar relationships had been developed with Teesside Probation Service, the Family Intervention Project and Stockton DAAT to name but a few.

- Two of the providers recognised the benefits of the Future Jobs Fund (FJF) and consequently contributed to the success of the Council's FJF contract with 15 and 21 jobs respectively. Due to this success and after negotiations with the Council and Groundwork North East one provider has secured a further 15 FJF jobs.

- During the first year of delivery the five contracts were subject to a SBC internal audit. The report indicated that the overall audit opinion had "full assurance", which was defined as a sound system of control being applied consistently. There were some minor recommendations that had been implemented.

Members were provided with some case studies that detailed the stories of individuals who had benefited from the programme.

RESOLVED that the report be noted.

CAB
131/10 **Minutes of Various Bodies**

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:-

Local Safeguarding Children Board – 16th September 2010

Children's Trust Board – 9th November 2010

Tees Valley Living Board – 16th September 2010

CAB
132/10 **Review of the Substance Misuse Policy**

Consideration was given to a report on the Review of Substance Misuse Policy.

Members were reminded that , on 5th March 2009, Cabinet considered a report on drug 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".

On 5th November 2009 Cabinet gave approval to a new Substance Misuse Policy designed to offer guidance and support to employees in this sensitive area of work. Members agreed to defer a decision on one element of the policy relating to substance misuse testing of employees until the scheme being developed for taxi drivers could be assessed.

The report summarised the experience following the implementation of the random drug testing of taxi drivers and considered the advantages and

disadvantages of introducing a similar policy in respect of employees.

There were 783 people who had a taxi driver licence who could be tested by the Council and to date, 86 tests had been carried out and 2 tested positive.

There were a number of positive arguments for testing. There were potential benefits to improving safety, efficiency, the Council's reputation and employee welfare. The arguments were strongest with respect to safety-critical occupations, where drug-induced intoxication could increase the risk of an accident. There were approximately 500 Council employees employed in roles with safety elements such as gardeners and refuse workers, but another 2000 who at some time may be required to undertake driving duties within their working week.

However the majority of testing for drug and alcohol misuse was carried out by safety-critical organisations. Drug testing employees was very limited in local government and the Council did not have evidence of significant problems caused by employees who drank or took drugs.

There were a number of legal implications to consider when introducing screening for employees and these were detailed within the report.

As well as the complex legal position, there were however a number of disadvantages to the introduction of drug testing. For instance, bearing in mind the low level of positive results from testing taxi drivers, testing employees may produce few positives and the financial cost and implications on employee morale in the current climate may outweigh any benefits.

There were differences in the relationship the Council had in terms of its role in granting taxi licenses and its role as an employer. Taxi drivers were self employed and consequently the Licensing Department did not have close contact with the drivers. It was therefore very difficult to monitor when drivers could be under the influence of drugs in the course of their work. This was not however the case for employees who have regular contact with managers. Consequently it would be easier to identify if people were under the influence of drugs whilst at work through changes in behaviour and work performance. Research indicated that good management was the most effective method for achieving higher productivity, enhanced safety, low absentee rates, low staff turnover and a reliable and responsible workforce. This had certainly been the approach in managing sickness absence with considerable success.

It was therefore recommended that drug and alcohol testing continued to be offered to employees where there was just cause, for instance where concerns had been raised by a manager or as part of ongoing health and welfare interventions. This proposal had been discussed with the Human Resources Strategic Management Group and with the Trade Unions and they were supportive of this approach.

RESOLVED that the Substance Misuse Policy be amended to incorporate a provision for the substance misuse testing of employees, with their consent, where it was felt that there is just cause for doing so.

Consideration was given to a report on the Review of Statement of Licensing Policy. The report outlined that the Council was required by the Licensing Act 2003 to review its Statement of Licensing Policy at least every three years. Council approved the current Statement of Licensing Policy in December 2007. The report detailed the results of consultation on a draft revised statement of licensing policy.

The policy had received no adverse comments since the transfer of licensing functions to the authority and it was not felt necessary to make any major changes.

Proposed changes to the document were limited, one was in relation to Stockton Local Safeguarding Children Board's address, the other related to the introduction of Members of the Licensing Authority as "interested parties" with effect from 29th January 2010 as introduced by Section 33 of the Policing and Crime Act 2009. The draft revised policy as sent out for consultation was provided and the changes were highlighted in the margins.

Member noted the consultation which had been undertaken.

No comments on the proposed Statement of Licensing Policy were received from any of the consultees.

The Licensing Committee had considered the draft Statement of Licensing and recommended that it should be passed on to Cabinet for approval.

The Police Reform and Social Responsibility Bill, published on 30th November 2010, proposed to make a number of amendments to the Licensing Act 2003 to address crime and disorder and other social harm caused by alcohol.

The main proposals were as follows:-

- the maximum fine for persistent under age selling will be doubled to £20,000.
- the impact of licensing applications on public health will now be taken into account.
- you no longer have to live or work within the vicinity of a new licensing application to be able to comment.
- the bill proposes scrapping 'bureaucratic and unused' alcohol disorder zones provision.
- local authorities will be able to suspend licenses if fees are not paid.
- it makes provision to enable licensing authorities to introduce a levy in their areas which will be payable by premises which supply alcohol as part of the late night economy. At least 70% will go to the police and crime commissioner to pay funds to bodies tackling alcohol related crime and disorder.
- it gives licensing authorities the power to remove or refuse licenses by enabling them to fulfil the same functions as existing responsible authorities,

and to communities to make representations in relation to licensing decisions or call for a review of licensed premises.

- the mandatory code will be reviewed within 12 months of its introduction.
- The Licensing Policy Statement will need to be reviewed every five years rather than every three years.

These changes could not be incorporated in to the revised policy at this stage as they still had to complete the parliamentary process.

Cabinet requested that a briefing note on Police Reform and Social Responsibility Bill be circulated to all members.

RECOMMENDED to Council that the proposed changes to the draft revised Statement of Licensing Policy be approved.

CAB 134/10 Licensing of Sexual Entertainment Venues: Adoption of Schedule 3 of Local Government (Miscellaneous Provisions) ACT 1982 as amended

Consideration was given to a report on the adoption of the amendment to the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 by Section 27 of the Policing and Crime Act 2009. This introduced a Licensing regime for "sexual entertainment venues" such as lap dancing.

The report further proposed that Members consider consulting on a draft policy for sex establishments. This would give the Council clearer control over issues such as suitability of applicants, the number of establishments and where they could be located

Section 27 of the Policing and Crime Act 2009 came into force on 6 April 2010 and amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Schedule 3 was adoptive legislation and would only apply to the Borough if the Council resolved to adopt the amended Schedule 3.

It was suggested that although there was no statutory requirement to have a policy concerning Sexual Entertainment Venues, it might be helpful for a policy to be introduced after consultation with the appropriate bodies and individuals. The policy may include consideration being given to the number of such establishments, if any, in various locations in the Borough and the requirements that would be expected to be in place before any such licence is granted.

Members noted the responses to a short consultation questionnaire regarding the adoption of Schedule 3.

The Licensing Committee had considered a report on the Licensing of Sexual Entertainment Venues and it recommended adoption of Schedule 3 and preparation of a draft Sexual Entertainment Policy.

RECOMMENDED to Council that:-

1. the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, by Section 27 of the Policing and Crime Act 2009, to

allow the licensing of sexual entertainment venues, be adopted.

2. a draft Sexual Entertainment Policy be prepared by officers for consultation with relevant parties.

**CAB LOCAL DEVELOPMENT FRAMEWORK
135/10**

· Preferred Options Regeneration Development Plan Document (DPD): Progress

&

· Study to Review Core Strategy Housing Strategy

· Supplementary Planning Document 1: Sustainable Design Guide: Consultation Draft

· Supplementary Planning Document 3: Parking Provision in Developments: Consultation Draft

· Annual Monitoring Report 2009/2010

Cabinet considered a report that dealt with 5 aspects of the Local Development Framework:-

· Preferred Options Regeneration Development Plan Document (DPD): Progress

· Study to Review Core Strategy Housing Strategy

· Supplementary Planning Document 1: Sustainable Design Guide: Consultation Draft

· Supplementary Planning Document 3: Parking Provision in Developments: Consultation Draft

· Annual Monitoring Report 2009/2010

It was explained that a draft of the Preferred Options version of the Regeneration Development Plan Document (DPD) had been prepared, and it set out the Council's preferred policies and sites for development in the Borough up to 2026, in accordance with the strategic policies contained in the adopted Core Strategy. Members noted that the document, and associated documents, had been drafted for consideration through the Council's democratic processes in readiness for consultation and publicity early next year.

However, the current economic situation and malaise in the development industry and uncertainties in higher level planning and central government funding policy might have implications for the direction and policy with specific reference to housing in Core Strategy, whose impact may in turn filter through to the Regeneration DPD. Given this it was suggested that a study be undertaken to assess the need to review the housing element of Stockton's Core Strategy,

and that if the study revealed that a review was necessary, a further report be brought to Cabinet setting out a work programme and timetable for approval.

As any changes in the direction, approach and fine detail of the Core Strategy may have implications for the progress and content of the Regeneration DPD, Members were asked for a temporary delay to the programmed consultation in respect of the Preferred Options version of the DPD to ensure that any changes were properly incorporated into the Regeneration DPD.

Approval was sought for the content of the documents and agreement to a six-week period of consultation and publicity for Supplementary Planning Document 1: Sustainable Design Guide (SPD1) and Supplementary Planning Document 3: Parking Provision in Developments (SPD3). The precise dates were to be determined, but it was expected to be during February/March 2011.

It was noted that Cabinet previously approved the Issues and Options version of the Environment DPD 30 September 2010 (Cabinet Decision record number D100111) for consultation and this would run concurrently with SPD1 and SPD3.

Cabinet was asked to approve the content of the Annual Monitoring Report 2009/2010 (AMR) and for its submission to the Secretary of State.

RECOMMENDED to Council:-

- 1. A temporary delay to the publication, consultation and publicity in respect of the Preferred Options version of the Regeneration DPD be agreed.**
- 2. Officers undertake a study to decide whether a review of the housing element of the Core Strategy is necessary.**
- 3. if the study reveals that a review was necessary, a further report to be presented at Cabinet setting out a work programme and timetable for approval.**
- 4. The contents, publicity and consultation in respect of Supplementary Planning Document 1: Sustainable Design Guide (SPD1) and Supplementary Planning Document 3: Parking Provision in Developments (SPD3) be approved and endorsed.**
- 5. the content of the Annual Monitoring Report 2009/2010 (AMR) be agreed and endorsed.**
- 6. the consultation and publicity in respect of the Environment DPD would run concurrently with SPD1 and SPD3, be noted.**