

Cabinet

A meeting of Cabinet was held on Thursday, 25th June, 2015.

Present: Cllr Robert Cook (Chair); Cllr Jim Beall, Cllr Mrs Ann McCoy, Cllr Steve Nelson, Cllr David Rose, Cllr Michael Smith and Cllr Norma Wilburn.

Officers: N Schneider (CE), J Danks, B Brown, L King(R); P Dobson (DNS); J Humphreys (CESC); P Kelly (PH) D E Bond, P K Bell (LD).

Also in attendance: None.

Apologies: None.

CAB Evacuation Procedure

1/15

The Chair read out the evacuation procedure.

CAB Recording of Meetings

2/15

The Chair outlined the protocol for the recording of the meeting.

CAB Declarations of Interest

3/15

There were no interests declared.

CAB Minutes

4/15

Consideration was given to the minutes of the meeting held on 12th March 2015.

RESOLVED that the minutes of the meeting held on 12th March 2015 were confirmed and signed as a correct record.

CAB Executive Arrangements

5/15

Consideration was given to a report that detailed the decisions taken by the Leader of the Council regarding Cabinet Members, Cabinet Member portfolios and executive functions and delegated powers under the Council's Constitution.

At the Annual Meeting on the 3 June 2015 Councillor Cook was appointed the Leader of the Council and he confirmed the appointment of Cabinet Members as follows:-

The Deputy Leader of the Council and Cabinet Member for Adult Services and Health - Councillor J Beall

The Cabinet Member for Access, Communities and Community Safety - Councillor S Nelson

The Cabinet Member for Arts, Leisure and Culture - Councillor N Wilburn

The Cabinet Member for Children and Young People - Councillor A McCoy

The Cabinet Member for Environment and Housing - Councillor M Smith

The Cabinet Member for Regeneration and Transport - Councillor D Rose

The Leader also confirmed his own portfolio and the portfolio of each Cabinet

Member. The details were attached to the report.

These decisions regarding Cabinet Members and their portfolios accorded with the decisions taken by Cabinet at its meeting on 9 October, 2014 when it was agreed to reduce Cabinet Member portfolios by two, from 9 to 7 in total.

The Cabinet's executive functions and powers, including those delegated to Officers, had been agreed by the Leader as set out in Part 3 of the Council's Constitution.

RESOLVED that the decisions taken by the Leader of the Council, as outlined in the report, be noted.

**CAB
6/15**

The Openness of Local Government Bodies Regulations 2014

Consideration was given to a report on the protocol regarding the public reporting and commentating on public meetings of the Cabinet and of the Council, after six months operation.

At its meeting on the 4 September 2014, Cabinet received a report regarding the Openness of Local Government Bodies Regulations 2014 ("the Regulations").

The Regulations came into force on 6 August 2014 and (amongst other things) they allowed the public to report and commentate on public meetings of local government bodies (including principal councils and Town / Parish Councils).

Persons attending public meetings of full Council, Cabinet, a Committee or Sub-Committee, must therefore be permitted to report on those meetings.

"Reporting" meant:-

- Filming, photographing or making an audio recording of proceedings at a meeting.
- Using any other means of enabling persons not present, to see or hear proceedings at the meeting as it takes place or later, or
- Reporting or providing commentary on proceedings at the meeting, orally or in writing, so that the report commentary is available as the meeting takes place or later, to persons not present.

The Government had produced a Plain English Guide regarding the Regulations. The guide advised Councils to adopt a policy on filming of Members of the public, and a general policy or protocol for members and officers about persons who wanted to exercise their rights under the Regulations.

The protocol approved by Cabinet for use in relation to its public meetings was attached to the report.

As a result of a separate report to Council, full Council also approved the protocol for use in connection with its public meetings, and public meetings of its

committees and sub-committees.

Arising from this, it was agreed that the protocol would be reviewed after six months operation.

Following approval, the protocol was circulated to Members and Officers and placed on the Council's website.

Since then there had, however, been no occasions at any of the public meetings of the Cabinet, Council, Committees or Sub-Committees when the protocol had been called into use.

Accordingly, Cabinet was asked to reaffirm the protocol for continued use, if needed, at future public meetings of Cabinet.

A separate report would be submitted to Council on 22 July and Council would be informed of Cabinet's decision.

As a result of previous reports to the Members Advisory Panel, Cabinet and Council, public meetings of Cabinet, Council, Planning and Licensing Committees were being filmed and broadcast via YouTube, starting with the Annual Meeting of Council on 3 June.

It was agreed that the filming and broadcasting of these meetings would also be reviewed after six months of operation. There would therefore be further reports to Cabinet and Council.

RESOLVED that:-

1. The report and protocol be noted.
2. The protocol be confirmed for use in relation to future public meetings of Cabinet.
3. Full Council be advised of Cabinet's decision.

**CAB
7/15**

Appointments to Outside Bodies

Consideration was given to a report on Member appointments to various outside bodies.

Cabinet was empowered to make appointments to certain bodies. Attached to the report were the appointments that Cabinet may determine

RESOLVED that:-

1. The following appointments to outside bodies be made:-

ARC - Cabinet Member for Arts, Leisure & Culture

Bus Lane Adjudication Service Joint Committee - Cabinet Member for Regeneration & Transport

Catalyst - Cabinet Member for Access, Communities and Community Safety

Child Placement Panel - Councillor Carol Clark
North Tees and Hartlepool NHS Trust - Cabinet Member for Adult Services & Health
Tees, Esk and Wear Valley NHS Trust - Cabinet Member for Children and Young People
Northumbria Regional Flood Defence Committee - Cabinet Member for Environment & Housing
PATROL (Parking and Traffic Regulations Outside London) Adjudication Joint Committee - Cabinet Member for Regeneration & Transport - Substitute – Leader of the Council
Tees Valley Arts - Cabinet Member for Arts, Leisure & Culture
Tees Valley Local Access Forum - Cabinet Member for Regeneration & Transport
Teeswide Safeguarding Adults Board - Cabinet Member for Adult Services and Health
Tees Valley Unlimited Leadership Board - Leader of the Council - Substitute – Deputy Leader

2. A further report be submitted to Cabinet reviewing all the outside body appointments.

**CAB
8/15** **Outside Body Minutes**

Consideration was given to a report on the minutes of various bodies.

RESOLVED that the following minutes be received:-

Teeswide Safeguarding Adults Board – 12th May 2015
SLSCB – 19th February 2015
SLSCB – 19th March 2015
SLSCB – 27th April 2015
Safer Stockton Partnership – 10th February 2015
Safer Stockton Partnership – 24th March 2015
Tees Valley Unlimited – Leadership Board – 22nd April 2015

**CAB
9/15** **Regulation of Investigatory Powers Act 2000**

Consideration was given to a report that provided feedback regarding the Office of Surveillance Commissioners (“OSC”) inspection which took place on 9 April; to confirm the Council’s revised Corporate Policy and Procedures Document; to affirm the changes to the Council’s Authorising Officers and the role of senior responsible officer and to receive details of the surveillance activity carried out during 2014/15.

Under RIPA, authorities such as the Council could authorise:-

- Directed surveillance (e.g. covert camera surveillance) in a manner likely to obtain private information about an individual;
- A covert human intelligence source (“CHIS”) which is someone who establishes or maintains a personal or other relationship with another individual for the covert purpose of obtaining information; and the

- Acquisition of communications data (e.g. not the contents of a communication, but information about the use made by a person of any postal or telecommunications service);

The only grounds for such authorisations were for the prevention or detection of crime or of preventing disorder.

Only certain prescribed officers could sign authorisations (i.e. Director, Head of service, Service manager or equivalent).

All authorisations or renewals for directed surveillance in a manner likely to obtain private information about an individual, or use or conduct of a Covert Human Intelligence Source or the acquisition of communications data could only be implemented if judicial approval was first obtained. To date, all applications for judicial approval had been granted.

The directed surveillance crime threshold was detailed within the report.

An authority exercising RIPA powers must have a corporate policy and procedure to regulate how the powers were exercised and the RIPA activity which took place.

Councillors should review an Authority's use of RIPA and agree the policy at least once a year.

Councillors should also consider internal reports on the use of RIPA on at least a quarterly basis, to ensure that it was being used consistently with the policy and the policy remained fit for purpose. They should not however be involved in making decisions on specific authorisations.

It was good practice for a senior responsible officer (who should be a member of the Corporate Management Team) to be made responsible for:-

- the integrity of the process in place within the local authority for the management of CHIS;
- compliance with Part II of RIPA and with the Code of Practice;
- oversight of the reporting of errors to the relevant Commissioner and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
- engagement with the Office of the Surveillance Commissioner (OSC) inspectors when they conduct their inspections, where applicable; and
- ensuring that all authorising officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the OSC; and
- where the inspection report highlights concerns about the standards of authorising officers, ensuring the concerns are addressed.

The Director of Law and Democracy continued to be the Council's senior responsible officer.

An inspection by the OSC took place on 9 April 2015. This was conducted by Mr David Buxton, Surveillance Inspector.

As a result of the inspection, the Chief Surveillance Commissioner indicated that he was pleased to see that the recommendations made following the inspection 3 years ago had been completed and that good practice was identified in the approach of the Council's senior responsible officer to his responsibilities and in the content of the Council's policy.

He also was of the opinion that the Council took its RIPA responsibilities seriously and achieves a good level of legislative compliance.

The surveillance Inspector recommended as follows:

"Recommendation 1 – The Council should review its RIPA policy manual in accordance with the observations made at paragraph 7.2 of this report (regarding urgent authorisations)"

Recommendation 2 – In cases of operations involving test purchases of sales to juveniles, the Council should review its current approach and ensure that in all cases where juveniles are used to make test purchases of alcohol or tobacco, a risk assessment is prepared in relation to the activities of the juvenile and that the role of the supporting adult is considered by the AO and an appropriately informed decision made as to whether or not a directed surveillance authorisation is required.

Recommendation 3 - The council should review its practices with regards to the use of CHIS and ensure that it addresses the observations made in this report at paragraphs 9.9 to 9.12 with regards to risk assessments, the wording of authorisations, and the responsibilities associated with paragraphs 29(5)(a) and 29(5)(b) RIPA (having an officer with day to day responsibility of a CHIS and a different Officer with general oversight of the use made of the source)"

The Chief Surveillance Officer had been informed that the Council accepted these recommendations and that the necessary action would be taken to ensure that all of the recommendations are implemented.

The Council's policy and procedure document had been reviewed and revised in order to reflect the comments and recommendations referred to in the Inspector's report. This included revisions to the RIPA authorisation forms.

Trading Standards had reviewed the approach and procedures regarding surveillance in respect of the alleged illicit sale of alcohol and tobacco to underage juveniles, in order to ensure that the appropriate assessments of risk took place and that the guidance provided by the OSC informs the way in which the surveillance was authorised and was carried out.

Again, Trading Standards had re-considered its practices and procedures regarding the use of CHIS, in order to ensure that they addressed the Inspector's observations in relation to risk assessment for CHIS authorisations; the wording of those authorisations (so that they were not overly restrictive or constraining); and the responsibilities of the CHIS handler (an Officer with day

to day responsibility for a CHIS) and the controller (a different Officer with responsibility for the general oversight of the use made of the source).

The current Authorising Officers are the Chief Executive, the Corporate Director of Resources; the Director of Law and Democracy and the Community Safety Manager. However, as a result of the retirement of the Trading Standards and Licensing Manager in April there was no Officer authorised in relation to Trading Standards and Licensing, the service area responsible for the vast majority of RIPA authorisations and RIPA activity. Accordingly, the Head of Democratic Services, who now had management responsibilities for Trading Standards and Licensing, had been confirmed as the new Authorising Officer for that service area. Appropriate training had been given and on-going support would continue to be provided.

During 2014/15 the following covert surveillance activity took place:-

- Directed Surveillance - The number of directed surveillance authorisations granted during the year:- 1
The number of authorisations in force at the end of the year:- 0
- CHIS - The number of CHIS recruited during the year:- 2 The number of CHIS authorisations in force at the end of the year:- 1

- Communications Data (to 31 December 2014)
Number of applications authorised by a Designated Person - 1
Number of applications submitted to a Designated Person that were rejected - 1

Number of notices requiring disclosure of communications data under Section 21(4) of RIPA - 2

Number of authorisations for conduct to acquire communications data under Section 21(4) of RIPA - 0

Specific details of the RIPA activity that had taken place during 2014/15 were attached to the report.

Cabinet would continue to receive such information in the six monthly Finance and Performance reports, and two further quarterly reports, consisting of anonymised RIPA activity information, would be emailed to all Members.

RESOLVED that:-

1. The outcome of the OSC inspection which took place on 9 April 2015 and the action proposed to implement its recommendations be noted.
2. The RIPA Corporate Policy and Procedures Document as revised following the OSC inspection be confirmed.
3. The changes to the Council's Authorising Officers and the continuing role of the Director of Law and Democracy as the senior responsible officer for RIPA be affirmed.
4. The details relating to RIPA activity carried out during 2014/15 be noted.

CAB 10/15 LOCAL IMPACT OF ANNOUNCED REDUCTIONS TO PUBLIC HEALTH BUDGETS

Consideration was given to a report on the local impact of announced budget reductions to Public Health budgets.

The Government had announced that £200 million nationally was to be reduced in year (2015/16) from the Public Health budget for Local Authorities. The report outlined some possible impacts of the budget reductions on health and wellbeing budgets in Stockton-on-Tees Borough and asked Cabinet to consider making representations to minimise the impact of this funding reduction with our local MPs, The Chief Executive of Public Health England and representative bodies.

Males living in Stockton Town Centre ward had the lowest life expectancy of any ward in the country, at 67 years. Females in this ward also had a significantly lower life expectancy than England, of 74.8 years. Life expectancy as a whole across the Borough was increasing, however this masks a picture of increasing inequality in life expectancy: the gap between life expectancy in wards such as Stockton Town Centre and other more affluent wards in the Borough had increased over time. Indeed, Stockton-on-Tees Borough was the Local Authority area with the greatest inequality in male life expectancy nationally. Attached to the report were details of the latest life expectancy data for the Tees Valley Authorities.

Many people living in Stockton-on-Tees Borough experience poor health and wellbeing outcomes, across a range of indicators including cancer, COPD and mental ill health. The particularly low life expectancy in some wards in the Borough and the increasing inequality in life expectancy across the Borough are due to a complex range of factors, rooted in socio-economic deprivation and socio-economic inequality³. Data and evidence show that deprivation impacts on a broad range of health and wellbeing outcomes - many outcomes decline as deprivation increases.

It was estimated by the Association of Directors of Public Health (ADPH) that the budget reduction was 7.4% of the total allocation of the ring fenced public health grant to local authorities in England. This implied an in-year estimated reduction of around £960,000 to the £13.0 million grant that Stockton receives. The ADPH also believed that this was a recurring budget reduction of £200 million to the public health budget for local authorities in England.

This estimate of the financial impact for Stockton was based on the assumption that the reductions to funding would be apportioned equally across all Authorities. However, should the budget reductions be apportioned in such a way as to reduce weighting for deprivation (as proposed regarding the changes to the ACRA formula), the impact on SBC would be even more significant.

The announced budget reductions were against a backdrop of existing unprecedented reductions to overall Local Authority budgets, which would also impact on the ability of SBC to deliver preventative services across the wider determinants of health and wellbeing, driving an increased focus on reactive services. The impact of the budget reductions taken together would therefore be multiplicative, with the inevitable long-term consequences of increasing

pressure upon both social services and NHS services.

The Chief Executive of Public Health England had stated that the Department of Health would be consulting on the implementation of this reduction in funding. It was important the Authority responded to this, reminding the Department of Health of the major health inequalities in the Borough, with a view to minimising the impact on local public health services.

Stockton-on-Tees Borough Council was seriously concerned that the announced reductions to Public Health budgets would have a significant detrimental impact on health and wellbeing and on inequality in the Borough. The budget reductions were also likely to have a disproportionate impact in a local authority area such as Stockton-on-Tees, where there were already significant challenges in terms of poor health and wellbeing and great inequality.

Stockton-on-Tees Borough experienced the widest inequality in life expectancy in the country. Robust, evidence - based programmes were being implemented to address this challenge and to improve overall health and wellbeing in the Borough. The announced budget reductions would have a serious impact on the ability of Stockton-on-Tees Borough Council to undertake this work and may mean a focus of resources on increasingly reactive rather than preventative work. The consequences of this would be a widening in health inequalities and a worsening of overall health and wellbeing, with resulting increased costs to the health and social care system through increased need for more intensive support and increased demand expressed through measures such as admissions to hospital.

RESOLVED that:-

1. The current position be noted.
2. A response being made on Cabinet's behalf to the consultation by:-
 - a. The DPH, to be signed off by Leader and Cabinet Member for Health.
 - b. Requesting ANEC, SIGOMA and LGA to highlight and support our lobby to minimise impact on areas with greatest health inequalities and poorest health.
 - c. The Leader of the Council to write seeking support from both MPs to ensure any national reduction in public health grant is minimised for areas such as Stockton where health inequalities and poorest health are starkest.

CAB 11/15 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

Consideration was given to a report that provided details of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 ("the 2015 Regulations") and the changes that they make to the disciplinary procedure introduced by the Local Authorities (Standing Orders) (England) Regulations 2001 ("the 2001 Regulations) for Local Authorities' Head of Paid Service; Section 151 (Chief Finance) Officer; and Monitoring Officer.

RECOMMENDED to Council that:-

- 1. The revised Employee Employment Procedure Rules appended to the report be approved.**
- 2. The Monitoring Officer, in consultation with the Leader of the Council, be authorised to make any consequential amendments to Council Procedure Rules and any other parts of the Constitution arising as a result of the 2015 Regulations.**
- 3. A further report or reports be submitted to Cabinet and Council regarding the establishment of a Panel as required by the 2015 Regulations, and in relation to the other issues specified in the report, particularly the preferred approach for dealing with disciplinary matters resulting in a potential dismissal under the 2015 Regulations.**