

Cabinet

A meeting of Cabinet was held on Thursday, 15th September, 2022.

Present: Cllr Robert Cook (Chair), Cllr Nigel Cooke, Cllr Lisa Evans , Cllr Mrs Ann McCoy, Cllr Steve Nelson, Cllr Michael Smith and Cllr Norma Stephenson O.B.E.

Officers: Julie Danks (MD), Beccy Brown, Julie Butcher, Jonathan Nertney, Gary Woods, Peter Bell (CS), Garry Cummings, Tony Montague (F,D&R&DMD), Craig Willows (CS,E&C), Emma Champley (A&H), Martin Gray (ChS).

Also in attendance: Cllr Pauline Beall (Chair of Crime and Disorder Select Committee), Cllr Carol Clark, Cllr Lynn Hall.

Apologies: None.

CAB 19/22 Evacuation Procedure

The Chair welcomed everyone to the meeting and the evacuation procedure was noted.

CAB 20/22 Declarations of Interest

Councillor Norma Stephenson declared an interest in respect of agenda item 8 - Scrutiny Review of Bonfires on Public Land - Final Report of the Crime and Disorder Select Committee as she had proposed the topic for scrutiny.

Councillor Steve Nelson declared a non-registrable interest in respect of agenda item 10 - Consideration of the Provision of Free School Meals for all Primary School Children in the Borough as he had a grandson who was a pupil at Norton Primary School. Councillor Steve Nelson did not vote on the matter and left the room during the voting process.

Councillor Lisa Evans declared a non-registrable interest in respect of agenda item 10 - Consideration of the Provision of Free School Meals for all Primary School Children in the Borough as she had two nephews and a niece who were pupils at schools within the Borough. Councillor Lisa Evans did not vote on the matter and left the room during the voting process.

Councillor Bob Cook declared a non-registrable interest in respect of agenda item 10 - Consideration of the Provision of Free School Meals for all Primary School Children in the Borough as he had a grandchild who was a pupil at a school within the Borough. Councillor Bob Cook did not vote on the matter and left the room during the voting process.

Councillor Norma Stephenson declared a non-registrable interest in respect of agenda item 10 - Consideration of the Provision of Free School Meals for all Primary School Children in the Borough as she had a great granddaughter who was a pupil at a school within the Borough. Councillor Norma Stephenson did not vote on the matter and left the room during the voting process.

CAB 21/22 Minutes

Consideration was given to the minutes of the meeting held on 14 July 2022.

RESOLVED that the minutes of the meeting held on 14 July 2022 be agreed and signed as a correct record.

**CAB
22/22**

Financial Update and Medium Term Financial Plan 2022-23 Quarter 1

Consideration was given to a report that summarised the Council's financial performance and position at the end of the first quarter of the 2022/23 financial year.

The financial position for the Council's for the first quarter of the financial year (to 30th June 2022) highlighted a projected overall overspend of £4.3m. Details were included in the body of the report with the main reasons being energy costs, the pay offer and continuing pressures in Children's Services.

Members were reminded that the outturn report presented in July 2022 outlined there were additional surplus balances carried forward of £1,413,000. The impact of the overspend would mean that there would be no longer resources available, instead, the balances would be around £2,900,000 below the recommended level at the end of the financial year and should this be the case they would need to be replenished in 2023/24.

The position would continue to be closely monitored and managed throughout the remainder of the financial year, however if the pressures materialise as expected, the Council would need to identify savings in year to avoid utilising general fund balances. Work was underway exploring options such as holding vacant posts, considering any non-essential spending and a further report would be presented to Cabinet.

The Report highlighted the significant financial challenges presented by the current inflationary environment in both the current year and into the medium term. Whilst the Council was still awaiting details of the financial settlement for next year it was inevitable that there would be significant pressures. Again work was underway assessing the position and options for resolving the pressures on future years and this would also be considered in future reports.

The report also presented an update on the Capital Programme.

RESOLVED that:-

1. The update to the Medium Term Financial Plan and the current level of General Fund balances be noted.
2. The revised Capital Programme at Appendix A of the report be noted.

**CAB
23/22**

Local Government & Social Care Ombudsman (LGSCO) Complaints - Local Authority Report for Stockton-on-Tees for 2021/22 Regulation of Investigatory Powers (RIPA) Act 2000 - 2021 Annual Return

Consideration was given to a report that provided details of the LGSC Ombudsman's annual review letter for the Council for 2021/22. There were 34 enquiries submitted to the Ombudsman during the year, of these 13 met the

threshold for a detailed investigation by the Ombudsman. Of the 13 complaint investigations, 5 were upheld. All recommendations made by the Ombudsman, following their investigations, had been implemented. No formal public interest reports had been published.

The annual statistics for 2021, identified the use of the powers available to the Local Authority through the RIPA Act 2000. The Authority returned a zero usage during calendar year 2021.

RESOLVED that:-

1. The report which sets out that no LGSCO formal public interest reports have been received be noted.
2. It be noted effective procedures remain in place to ensure that all learning from Ombudsman recommendations and findings take place.
3. The authorities use of RIPA powers in 2021 be noted.

**CAB
24/22** **Minutes of Various Bodies**

In accordance with the Council's Constitution or previous practice the minutes of the meeting of the body indicated below were submitted to members for consideration:-

TVCA Cabinet – 22 July 2022

RESOLVED that the minutes detailed in the appendix of the report be received.

**CAB
25/22** **Scrutiny Review of Bonfires on Public Land - Final Report of the Crime and Disorder Select Committee**

Consideration was given to a report that presented the outcomes of the Crime and Disorder Select Committee's review of Bonfires on Public Land.

RESOLVED that:-

1. To supplement Cleveland Fire Brigade's (CFB) annual promotion of fire safety ahead of the bonfire season, Stockton-on-Tees Borough Council (SBC) reviews its own public engagement approach to reinforce this messaging across all available communication mechanisms, emphasising dangers of bonfires and impact on local residents.
2. In terms of communicating to the wider public, SBC considers adopting the Shrewsbury Town Council approach in emphasising a zero tolerance towards unauthorised bonfires (including contact routes for permission to light a bonfire on public land and the potential consequences for failing to seek permission).
3. SBC reinforces existing communication arrangements with both CFB and

Cleveland Police for them to report details of dispensed combustible materials for collection (both during and outside the bonfire season).

4. SBC continues to support CFB and Thirteen Housing Group in undertaking leaflet drops to identified bonfire hotspot neighbourhoods within the Borough regarding fire safety and reporting routes for anti-social behaviour / associated disorder.

5. To further deter the construction and lighting of unauthorised bonfires, SBC identifies any alternative sites within the Borough where official bonfires may be able to be facilitated in the future.

CAB 26/22 **Childcare Sufficiency Assessment**

Consideration was given to a report that outlined how the Local Authority (LA) was meeting its duty to secure sufficient childcare and included information about the supply of and demand for childcare, details on any gaps in provision and an action plan on how they will be addressed.

The Childcare Act 2006 and 2016 and the associated statutory guidance for local authorities on Early Education and Childcare – June 2018, required Stockton-on-Tees Borough Council (the Local Authority) to secure sufficient childcare, as far as was reasonably practicable and within available resources, for working parents, or parents who were studying or training for employment, for children aged 0 – 14 (or up to 18 for disabled children). Local authorities were also required to report annually to elected council members on how they were meeting this duty.

Take-up of universal 3 & 4 year places continued to be high at 95% take-up, which was 3% lower than 2021 (98%) but still higher than the national average of 92%. 4yr old take-up is 99% and 3 year old take-up was 91% as per figures from the January 2022 census collection.

Take-up of 30 hour free childcare places for working parents of 3 & 4 year olds had increased to 1495 which was an increase of 9.76% on the previous year and there were 80% of primary schools offering places.

Stockton continued to maintain a high percentage take-up of 2 year funded places (92%), which was an increase of 5% on the previous year. The table on page 20 of the assessment showed the take-up at a ward level basis. To be noted the number of children eligible was provided by the Department for Work and Pensions which didn't include any on-line eligibility applications received by Stockton.

Stockton had a good range of quality childcare across the Borough with the majority (98.6%) of provision rated good or outstanding as at July 2022, which was higher than the national percentage (96%) and regional percentage (97%) as at March 2022.

The sufficiency assessment would be placed on the Stockton Information Directory once it had been through the Cabinet process, so it was available for parents/carers, childcare providers, and employers to read.

RESOLVED that the report be noted.

**CAB
27/22** **Consideration of the provision of free school meals for all primary school children in the Borough**

Consideration was given to a report on a motion submitted to Council on 22nd July 2022 about free school meals in primary schools.

The following motion, submitted in accordance with Council Procedure Rule 3.40 was considered by Council on 22nd July 2022:

"Stockton-on-Tees Borough Council supports every parent of children in our primary schools by providing them with free school meals. Ensuring that every child, no matter what the personal financial circumstances of their parents are; receives at least one nourishing meal a day when in school."

Compliance with the requirements for School Food Regulations 2014 was mandatory for all schools, academies and free schools. These school food standards were to ensure that food provided to pupils in school was nutritious and of high quality; to promote good nutritional health in all pupils; protect those who were nutritionally vulnerable and to promote good eating behaviour.

School meals, health and learning are strongly connected. Studies showed that young people living in low-income families eat less healthily. Healthy school meals had the capacity to decrease these dietary and health inequalities by providing at least one decent, hot meal a day to school age young people growing up in low-income households. Young people growing up in lower income families had poorer educational outcomes than their wealthier peers. Providing more healthy meals to low-income students helps to close the attainment gap and reduce these inequalities.

The Education Act 1996 required maintained schools and academies (including free schools) to provide free school meals to eligible disadvantaged pupils who were aged between 5 and 16 years old.

Children may be able to get FSM if their household receive any of the following benefits:

- Income Support
- income-based Jobseeker's Allowance
- income-related Employment and Support Allowance
- support under Part VI of the Immigration and Asylum Act 1999
- the guaranteed element of Pension Credit
- Child Tax Credit (provided you're not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190)
- Working Tax Credit run-on - paid for 4 weeks after you stop qualifying for Working Tax Credit
- Universal Credit - if you apply on or after 1 April 2018 your household income must be less than £7,400 a year (after tax and not including any benefits you get)

To receive FSM, a claim must be made by the pupil, their parent or another responsible adult. School governing bodies must provide FSM to a pupil if the pupil and/or a parent meets the eligibility criteria, and a request received. The responsibility for checking the eligibility of applicants for FSM rests with the individual school.

Schools and academies do not receive funding specifically designated for FSM. The schools funding formula does however take the number of disadvantaged pupils into account to support those schools with larger disadvantaged pupil numbers. Schools and academies were expected to fund the cost of FSM from their total funding allocation.

Since September 2014, schools and academies in England had been required by law to provide free lunches to pupils in key stage 1 (reception, year 1 and year 2). This was known as universal infant free school meals.

UIFSM was funded by a specific grant payable to schools and academies each year and based on actual meals taken. Each meal taken by an eligible child attracts £2.41 in funding. The basic allocation assumed that children would take 190 school meals over an academic year, providing £457.90 per eligible child.

There was national evidence of high take up of UIFSM, around 80% of eligible children.

FSM provision was different across the UK. In Scotland, universal free school meals were gradually being rolled out to all primary school pupils. Pupils in years 1-5 were eligible, with the full roll-out all the way to year 7 expected to be completed by 2024. In Wales, the Welsh government had committed to rolling out universal free school meals to all primary school pupils by September 2024 using a phased approach, starting with the youngest pupils from September 2022.

Analysis was published by the Child Poverty Action Group (CPAG) in June 2022. Based on free school meals data released by the Department for Education, it showed that the proportion of children in poverty in England was increasing, with over 1 in 3 school age children that were living in poverty not qualifying for free school meals.

The North East Child Poverty Commission (NECPC) was a regional cross-sector stakeholder network. In a recent briefing from July 2022 the NECPC highlighted that the North East of England overtook London to have the highest rate of child poverty in the UK. This represented 38% of all children living in poverty, up from 37% the year before. Amongst other measures to make social security more adequate in the long term, NECPC called for the government to extend free school meals to all children in families receiving Universal Credit, to benefit those families receiving Universal Credit whose household income is more than £7,400 a year.

The Children and Young People Select Committee had completed a review examining specific issues relating to child poverty, and this was reported to Cabinet in June 2022. Several recommendations were approved:

a. That a family poverty profile is compiled and updated annually from available data and input from those with lived experience and is used to identify

a key priority for targeted action each year; an initial focus being take up of FSM for those eligible and in need

- b. That support offered to families in poverty is enhanced, including a more integrated and visible offer for families experiencing poverty and the roll out of Poverty Proofing the School Day across all Stockton Schools
- c. That specific interventions are put in place including healthy food through the delivery of cooking and budgeting skills in schools, linked to Healthy Schools
- d. That, subject to funding, a new scheme is developed for those identified as in need, making sure better access to existing support (e.g., benefits and FSM) and exploring options for a voucher scheme as part of wider work on benefits access and take up
- e. That all subsidy policies are reviewed and revised as appropriate to provide streamlined and enhanced support for families

The Fairer Stockton-on-Tees (FSOT) strategic framework was agreed at Cabinet in October 2021. The FSOT framework sets out a vision and ambition for reducing inequality in the Borough over the next ten years and identified five key interventions to realise the FSOT ambition:

- a. Tackling fundamental issues across the borough as a whole;
- b. A focus on reducing the inequalities faced by identified disadvantaged communities;
- c. A focus on deprived neighborhoods, and in particular building on the work in the Targeted Action Areas, focusing on these areas as the first area priorities;
- d. A focus on the most marginalised;
- e. An emphasis on the Council as a major employer, commissioner and purchaser

Focussing on the additional cost implications of the motion submitted to Council to support every parent of children in our primary schools by providing them with free school meals.

Schools and academies received a specific grant for UIFSM. Schools and academies received funding for FSM as part of their core funding allocation based on numbers of disadvantaged pupils as a proxy measure for FSM eligibility. Therefore, the additional cost of providing FSM to all children in primary schools was based on the number of children not eligible for FSM.

A table was presented within the report using the Spring 2022 school census information:

- a. Excluding those children in reception / year 1 / year 2 that are already receiving a free lunch through UIFSM
- b. Also excluding the children in years 3-6 that are already eligible for FSM
- c. This identifies that there are 7151 children not eligible for FSM in years 3-6

Using the funding rates for the UIFSM grant 2022/23. Each meal taken by an eligible child attracts £2.41. The allocation assumed that children would take 190 school meals over an academic year. This provided funding of £457.90 per eligible child.

The 7151 children not eligible for FSM multiplied by £457.90 per child equated to an additional cost of £3.274m per annum assuming 100% take-up. However, using UIFSM take up of approximately 80-90% the maximum cost per annum would be in the range £2.5m to £3.0m per annum.

It was noted that the calculation of costs to support the motion to Council were unavailable at the time of the Council meeting, as the information on take up of FSM was not held by the Council.

Schools and academies would receive no additional government funding to provide FSM to non-eligible children. Therefore, the full additional cost would need to be funded by the Council.

In addition, there would need to be consideration, on a school-by-school basis, of the potential challenges in delivering this motion, for the schools themselves and contracted caterers. Upon implementation of UIFSM in 2014 the government recognised this could create challenges for some schools and provided additional capital funding to ensure successful implementation. Significantly expanding the number of children who would take up the offer of free school meals would create capacity issues in many schools.

On the basis of an additional cost pressure of £2.5m to £3.0m per annum on the Council's MTFP, the motion was considered unaffordable.

As outlined in paragraph 4 of the report, studies showed there were clear benefits around school meals take up the guarantee of one healthy meal per day had benefits for children around their health and ability to learn. This was particularly important for young people growing up in lower income families who had poorer educational outcomes than their less disadvantaged peers. Providing more healthy meals to low-income students helps to close the attainment gap and reduce these inequalities.

As outlined in paragraph 13 of the report, the analysis published by the Child Poverty Action Group (CPAG) in June 2022 showed that the proportion of children in poverty in England was increasing.

As outlined in paragraph 14 the North East Child Poverty Commission (NECPC), in a recent briefing from July 2022, highlighted that the North East of England overtook London to had the highest rate of child poverty in the UK.

In addition, the current cost of living issues were expected to have the greatest impact on the most disadvantaged families. This position was also expected to continue to worsen particularly in the winter months later this year.

It was proposed that the Council call on Government to extend eligibility for FSM to all those in receipt of Universal Credit, in the form of a letter to be sent on behalf of the Council lobbying the Secretary of State for Education to legislate for this.

This proposal was in line with the recent North East Child Poverty Commission report and would have the impact of an additional 2900 children being eligible for FSM in the Borough.

The proposal would also support and link directly with the aim of reducing inequalities across the Borough. This strategic intent was described in 'A Fairer Stockton-on-Tees', our strategic framework for tackling inequalities. Particularly the aspects of focussing on reducing the inequalities faced by the most disadvantaged and marginalised communities, neighbourhoods and people.

The proposal targeted the resource to those families that need it the most and did not add to the financial challenges faced by the Council and other councils across the country.

RECOMMENDED to Council that Council call on Government to extend eligibility for free school meals to all those in receipt of Universal Credit. (Councillor Nigel Cooke was in the Chair during consideration of the above item)