

## **Cabinet**

A meeting of Cabinet was held on Thursday, 10th August, 2006.

**Present:** Cllr R Gibson (Chairman), Cllr D Coleman, Cllr A Cunningham, Cllr E Johnson, Cllr P Kirton, Cllr K Leonard, Cllr Mrs J O'Donnell

**Officers:** G. Garlick (CE); J. Haworth (ACE); J. Grant, N. Hart, J. Trainer (LD); M. Batty, M. Robinson (DNS); A. Baxter (CESC)

**Also in attendance:** Cllr Mrs Beaumont, Cllr Dalgarno, Cllr Fletcher, Cllr Mrs Fletcher, Cllr Frankland, Cllr Roberts, Cllr Walmsley

**Apologies:** Cllr Mrs Cains, Cllr Cook and Cllr Nelson.

### **419 Declarations of Interest**

Councillors Leonard and Roberts each declared a personal, non-prejudicial interest in respect of the item entitled 'Monitoring Report-Scrutiny Review of Anti Social Behaviour' on the grounds of their membership of Tristar Homes Limited.

Councillor Mrs Beaumont declared a personal, non-prejudicial interest in respect of the item entitled 'Complaint to the Local Government Ombudsman' on the grounds of her previous membership association with a steering group referred to indirectly during the debate on this matter.

### **420 Minutes of the Meetings held on 15th June and 13th July 2006**

The Minutes of the Meetings of Cabinet held on 15th June and 13th July were signed by the Chairman as a correct record.

### **421 Appointment of Local Education Authority Representatives to School Governing Bodies**

Cabinet Members were requested to consider the nominations to School Governing Bodies in accordance with the procedure for the appointment of school governors, approved at Minute 84 (Cabinet-11th May 2000).

RESOLVED that the appointment to the following School Governing Body be approved in line with agreed procedures subject to successful list 99 check and personal disclosure:-

Mill Lane Primary- Mrs J.Coombs

### **422 Proposed Amalgamation of Roseberry Infant School with Roseberry Junior School**

Cabinet at its meeting held on 18 May 2006 agreed to consultation being carried out on the possibility of amalgamating Roseberry Infant School with Roseberry Junior School to form a single primary school with nursery.

A consultation paper was widely circulated and meetings were held for parents and for school staff. The idea of amalgamation was also discussed at meetings of the governing bodies of the two schools, and in a joint meeting of governors

and staff from both schools.

That joint meeting acknowledged a need to improve collaboration between the schools, which had declined during a period of temporary leadership at Roseberry Junior School. The principal concern expressed was that an amalgamation would need careful planning and preparation to avoid any adverse impact on standards of education and behaviour. Impending changes in leadership at Roseberry Infant School would make the timing of any amalgamation an important issue. There were also practical issues related to the use of separate buildings some distance apart. A small number present at the meeting opposed the principle of amalgamation, and whilst it was likely that other staff members who were not present would take a similar view, the consensus in the joint meeting was that amalgamation in September next year would allow sufficient time to prepare, agree and implement an action plan for the future of these schools as a single primary school.

Among the small number of parents who responded there was general support for the idea of amalgamation.

The conclusion reached from the consultation exercise was that whilst there was around 400 children who attended these two schools and the nursery at Roseberry, only four people attended the parents' meetings. One other parent sent an email message of support for the idea of amalgamation. No parent expressed outright opposition to the idea of amalgamation, and it was therefore reasonable to believe that any who were strongly against amalgamation would have made an effort to say so. The joint meeting of governors and staff was well attended, and produced a clear consensus, but not every governor or member of staff was able to attend.

Cabinet was asked to agree to the publication of a Statutory Notice that would in effect give all parents, governors and staff members a second opportunity to comment on the proposed amalgamation, as well as opening consultation to the general public. A draft Notice was attached at Appendix 1 to the report.

RESOLVED that Cabinet agree that a Statutory Notice be published inviting comment on a proposal to:

cease to maintain Roseberry Infant School and Roseberry Junior School with effect from 31 August 2007;  
and to establish in the same premises a Community Primary School, with nursery, on 1 September 2007.

#### **423 Monitoring Report-Scrutiny Review of Anti Social Behaviour**

Consideration was given to the outcomes of the monitoring review relating to the scrutiny review of anti-social behaviour undertaken by the Housing and Community Safety Committee during 2003/04.

Members of the Housing and Community Safety Select Committee agreed that a monitoring exercise in relation to the review of anti-social behaviour should be included in the 2005/2006 work programme. It was decided to undertake the monitoring exercise in early 2006 in order to allow a period of a year to pass following Cabinet endorsement of the recommendations. It was agreed that this

would allow optimum opportunity for the recommendations to be implemented and any resulting changes to the service to become apparent.

The report set out the results of the monitoring exercise in relation to the five recommendations agreed by Cabinet as part of the original review; and presented further findings of the Committee from the additional written and oral evidence presented. A number of issues were identified for further consideration as a result of the further evidence received by the Committee and these were highlighted as follows:-

1. That in order to further promote the use of the Directory:

(a) the results of the survey be forwarded to the Anti-Social Behaviour Team for further analysis.

(b) a ring-bound copy of the Directory is forwarded to all Members, the Group Rooms and Members' Library with an explanatory letter.

(c) a copy of the Directory be placed on the intranet and be kept updated by asb team.

(d) Councillors be notified via e-mail when the Directory is updated.

2. Further work in relation to resourcing of the Neighbourhood Enforcement Service be considered for inclusion into the Housing and Community Safety Select Committee Work Programme.

3. An update from the asb team on the development of work with schools and young people be considered for inclusion into the work programme of the Housing and Community Safety and Children and Young People Select Committees.

4. Cabinet consider applying the concept of appropriate neighbourhood partnership working across the Borough.

5. Cabinet note that the Tristar Board are to be asked to consider the possibility of extending the budget to support out of hours working to deal with anti-social behaviour/noise issues.

6. The Head of Legal Services, in conjunction with the Head of Housing, examine the extent to which covenants on Council house sales can be used as a measure against asb.

7. The Head of Housing request that Tristar and other RSLs give regular updates to Councillors on anti -social behaviour issues in their wards.

8. The Housing and Community Safety Select Committee receive an annual report on Police Performance and that the District Commander be asked to arrange regular meetings between community based Sergeants and the relevant cluster of Ward Councillors in consultation with SBCs Democratic Services Unit.

9. The Committee recognises the potentially damaging impact upon settled and

stable communities that housing allocations can have and that this be further considered together with information on SBCs allocation policy as part of the forthcoming scrutiny review of choice based lettings.

10. An examination of the Dundee/Rochdale projects be considered as part of the Housing and Community Safety Select Committee's review of choice based lettings where this relates to the allocations policy.

11. A seminar be held for all Members of the Council to highlight and promote the work of UNITE and that SBC, Tristar and other RSLs be asked to note the importance of getting earlier referrals to UNITE and review their procedures accordingly.

RESOLVED that:-

1. That in order to further promote the use of the Directory:

(a) the results of the survey be forwarded to the Anti-Social Behaviour Team for further analysis

(b) a ring-bound copy of the Directory is placed within the Members' Library with an explanatory letter ;

(c) a copy of the Directory be placed on the intranet and be kept updated by asb team

(d) Councillors be notified via e-mail when the Directory is updated.

2. Further work in relation to resourcing of the Neighbourhood Enforcement Service be considered by the Executive Scrutiny Committee for inclusion into the Housing and Community Safety Select Committee Work Programme.

3. An update from the asb team on the development of work with schools and young people be considered by the Executive Scrutiny Committee for inclusion into the work programme of the Housing and Community Safety and Children and Young People Select Committees.

4. The Head of Community Protection be requested to consider applying the concept of appropriate neighbourhood partnership working across the Borough.

5. Cabinet note that the Tristar Board are to be asked to note the possibility of extending the budget to support out of hours working to deal with anti-social behaviour/noise issues.

6. The proposed examination of the extent to which covenants on Council house sales could be used as a measure against anti social behaviour be refused on the grounds of the legal advice received from the Head of Legal Services which indicated that other legislation was available to the Council that was more likely to be effective in dealing with anti social behaviour;

7. The Head of Community Protection be requested to rationalise the information given by Tristar and other RSLs to Councillors on anti -social behaviour issues in their wards.

8.The Executive Scrutiny Committee consider the work programme of the the Housing and Community Safety Select Committee with a view to that Committee receiving an annual report on Police Performance; and that the Head of Community Protection be authorised to request the District Commander to arrange regular meetings between community based Sergeants and the relevant cluster of Ward Councillors in consultation with SBCs Democratic Services Unit.

9.The Committee recognises the potentially damaging impact upon settled and stable communities that housing allocations can have and that this be further considered together with information on SBCs allocation policy as part of the scrutiny review of choice based lettings subject to the work programme of the Committee being confirmed by the Executive Scrutiny Committee.

10.An examination of the Dundee/Rochdale projects be considered as part of the Housing and Community Safety Select Committee's review of choice based lettings where this relates to the allocations policy; subject to the work programme of the Committee being confirmed by the Executive Scrutiny Committee.

11.UNITE be asked whether they wished to present a seminar for all Members of the Council to highlight and promote their work and that SBC, Tristar and other RSLs be asked to note the importance of getting earlier referrals to UNITE and review their procedures accordingly.

#### **424 Corporate Travel Plan**

Consideration was given to the proposed adoption of a revised travel plan for the Council, which set out actions that would deliver a shift towards more sustainable forms of travel for staff whilst at work and on their way to and from work.

It had been estimated that car commuting contributed almost 20% of all United Kingdom energy use, whilst cars traveling on business contribute a further 10%.The survey conducted as part of the development process for this travel plan revealed that 84% of those who were interviewed travelled to work by car of which 89% travelled alone.

Over 2.4 million business miles were claimed by staff in the year 2004/05, which apart from the cost to the Authority, had a significant impact on the environment.The aim of the travel plan was to offer incentives, provide alternatives and encourage a modal shift away from single occupier car journeys.

Evidence had shown that even the most basic travel plans could achieve reductions of 3-5% in the numbers of people travelling to work alone in the car (DfT "Making Travel Plans Work", 2002).

Nearly all of the significant new developments within the Borough were required to have a travel plan framework as a condition of the planning consent. As the single biggest employer in the borough it was right that this authority lead by

example in adopting a travel plan that mirrored the aims of these local and national policies.

The Plan had been designed to deliver a range of benefits which should not be seen as anti-car:

-The Council would benefit from increased productivity and efficiency generated by a healthier, more motivated workforce;

-Council staff would benefit from improved health, cost and time savings, reduced stress and a general improvement in their quality of life;

-The local community would enjoy reduced congestion, reduced journey times, improved public transport services, energy savings and reduced overspill parking in residential areas, and

-The local environment would benefit from improved air quality, less noise and dirt, and the reduced impact of other national and global environmental problems such as global warming.

The two key factors in making a travel plan work were the financial incentives or disincentives related to travel and the availability of parking. This travel plan would establish infrastructures to support the modal shift as well as a range of incentives and disincentives to encourage positive action. The current policies in respect of travel and parking were heavily weighted towards the car driver such as free parking, car loans and allowances with very little recognition of more sustainable forms of transport. A review of these policies would be carried out in full consultation with trade unions and staff representatives.

RESOLVED that the travel plan entitled "Up and Running" attached at Appendix 1 to the report, be adopted as the Corporate Travel Plan for the Authority.

#### **425 Minutes of Outside Bodies**

Consideration was given to minutes of meetings of the Renaissance Board, Area Partnership Boards, Tees Valley Living and the Tees Valley Joint Strategy Committee..

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

Eastern Area Partnership Board	30th May 2006
Eastern Area Partnership Board	27th June 2006
Central Area Partnership Board	27th April 2006
Central Area Partnership Board	25th May 2006
Central Area Partnership Board	29th June 2006
Northern Area Partnership Board	10th April 2006
Northern Area Partnership Board	8th May 2006
Northern Area Partnership Board	5th June 2006
Renaissance Board	6th June 2006
Tees Valley Joint Strategy Committee	10th April 2006
Tees Valley Living	6th July 2006

## **426 Appointment to Outside Bodies**

Consideration was given to the appointment of Members to the following outside bodies, the appointments to which were within the remit of the Cabinet:-

- School Forum (1 vacancy)
- Adult Care Partnership (2 vacancies)

RESOLVED that appointments to the vacancies on outside bodies identified above be approved as follows:-

- School Forum—Councillor Cains
- Adult Care Partnership – Mrs Cains and Councillor Lupton

## **427 Stockton-Middlesbrough Initiative**

Consideration was given to the proposed decision making arrangements in relation to the Stockton Middlesbrough Initiative (SMI) which built upon the SMI Governance structure approved by Cabinet on the 16th June 2005.

The SMI was a strategic initiative focussed on the boroughs of Stockton and Middlesbrough, but with implications for the Tees Valley as a whole. The governance arrangements needed to be rigorous enough to reflect this strategic role and flexible enough to ensure that business could be done efficiently and effectively. The four-tier governance structure approved by Cabinet on the 16th June 2005 was now in place with the management and executive group meetings taking place on a regular basis, ensuring the correct level of representation at all levels of the governance process.

The SMI Strategic Plan was currently going through a process of consultation with external partners. Once a final draft was produced, the Strategic Plan would be submitted to a future meeting of Cabinet for approval. Any subsequent amendments or additions to the SMI Strategic Plan would also be submitted to Cabinet for approval.

At present any decisions on joint projects to be implemented through SMI as part of the agreed Strategic Plan need to be approved by both Stockton-on-Tees Borough Council Cabinet and Middlesbrough Council Executive prior to implementation. In order to streamline the decision making process for projects and initiatives that fell under the umbrella of the SMI Strategy Plan, it was proposed to apply the officer delegation schemes at each of the two authorities to the SMI. The proposed powers to be delegated to the Corporate Director of Development and Neighbourhood Services were already available to the Corporate Director for other purposes, but when applied specifically to the SMI they would allow for a more efficient decision making process and subsequent implementation of projects and initiatives. Any projects which involved costs that exceeded the set limits would be referred to Cabinet for approval.

Members had previously approved the appointment of representatives onto the SMI Member Board at Cabinet on 1st December 2005 and SMI was now in a position to hold the first meeting of the SMI Member Board and as such there was a need to establish the level of decision making powers delegated to the

Corporate Director of Development and Neighbourhood Services in order to approve and implement decisions made by the SMI Member Board. The minutes from the SMI Executive Group meeting and SMI Member Board would be submitted to full Council to ensure that all members were kept fully up to date with decisions made and project progress. Individual decisions taken by the Corporate Director of Development & Neighbourhood Services would also be the subject of Officer decision records, which would be made available to Members when published.

RECOMMENDED that:-

1. The Corporate Director of Development and Neighbourhood Services be given delegated powers to approve and implement recommendations from the SMI Member Board in relation to the following matters:-

- projects not included in the Strategic Plan, but which have an impact on or are related to projects outlined in the Strategic Plan.
- the award of contracts in connection with projects in the approved Strategic Plan, in accordance with the Council's financial regulations and Contract Procedure Rules.
- the disposal of the Council's land and property up to the value of £250,000 where it relates to the delivery of projects as outlined in the Strategic Plan
- the purchase of land and property up to the value of £250,000 where it relates to the delivery of projects as outlined in the Strategic Plan.
- to appoint members of staff and approve secondments in line with project proposals and staffing requirements as outlined in the Strategic Plan.
- to take all necessary action incidental to the above for the purposes of implementing the Strategic Plan.

2. Appropriate amendments be made to the Council's Constitution in relation to the Stockton-Middlesbrough Initiative partnership in order to reflect recommendation 1 above.

#### **428 Complaint to the Local Government Ombudsman**

Cabinet was advised that the Local Government Ombudsman had issued a report following an investigation into a complaint about the Council's handling of a grant application to the Football Association. The Ombudsman had found that the complainant had suffered injustice as a result of maladministration. The Council was therefore required to consider the Ombudsman's report and let the Ombudsman know what action it proposes to take as a result of the findings.

A copy of the investigation report had been placed in the Members' Library and the submitted report summarised the main issues and recommended the proposed action to be taken as suggested by the Ombudsman. The Ombudsman found that the Complainants had suffered injustice as a result of maladministration. The maladministration related to:-



- a failure to keep the Steering Group properly informed.
- a failure to carry out work on the project for over six months in 2004.
- a failure to explain why the Project Steering Group was effectively suspended in February 2004.

Officers accepted that there were difficulties in submitting a bid for funding for the Council-owned sports ground at a time when the Council also supported an application for a private sector bid in respect of a sports ground in close proximity to the Council-owned ground. Ultimately the private sector bid was successful and the Council's bid for its own sports ground was not pursued further. The Ombudsman had noted that the Council has gone some way to make up for this by recently approving a £50,000 capital allocation to help in obtaining additional funding from external sources to make improvements at the Council-owned sports ground. The Ombudsman had also acknowledged that the failure to secure grant funding from the Football Association was not due to any maladministration by the Council.

The Ombudsman considered that the publication of her report and the publicity it would receive would be an appropriate remedy for the maladministration identified. The Ombudsman hoped that the Council would tender appropriate apologies and re-offer a place on the Project Steering Group to the Residents' Association, in addition to reviewing its procedures to ensure accurate information was given in situations like this. Cabinet was advised that such a review would be undertaken by the Corporate Director of Development & Neighbourhood Services and would be carried out within six months.

The Ombudsman was not permitted to name or identify the complainant or individuals in her report and therefore the names used in this report were not the real names of the people and the places involved.

**RECOMMENDED that:-**

1. The Council should offer appropriate apologies as referred to in the Local Government Ombudsman's report and make a further request for a nomination from the Residents Association to sit on the Project Steering Group;
2. Procedures be reviewed to ensure accurate information was provided to applicants for grant funding in situations like this; and that such a review be undertaken by the Corporate Director of Development & Neighbourhood Services and be carried out within six months.
3. The Ombudsman be notified of the action taken in response to the report.

**429 Information Item:-**

Details of the outcome of consultation on the possible amalgamation of Bewley Infant School with Bewley Junior School were submitted.