

Cabinet

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

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

Officers: J Danks (RES); M Robinson, J Nixon, R Poundford, C Straughan, L McDonald, S Shaw (DNS); J Humphreys, R Kench (CESC); D E Bond, M Waggott, M Henderson (LD).

Also in attendance: Cllr Apedaile and Cllr Mrs Rigg.

Apologies: Cllr Mrs Jennie Beaumont.

CAB Declarations of Interest **152/08**

Cllr Coleman declared a personal prejudicial interest in item 6 Voluntary Sector Support Fund 2009/10 Allocation and Review as he served on the Stockton International Families Centre's Management Board. Cllr Coleman left the meeting room during Cabinet's consideration of the item.

Cllr Nelson declared a personal prejudicial interest in item 6 Voluntary Sector Support Fund 2009/10 Allocation and Review as he served on the Stockton Advice and Information Service. Cllr Nelson left the meeting room during Cabinet's consideration of the item.

Cllr Mrs McCoy declared a personal prejudicial interest in item 6 Voluntary Sector Support Fund 2009/10 Allocation and Review as she served on the Stockton Advice and Information Service. Cllr Mrs McCoy left the meeting room during Cabinet's consideration of the item.

Councillor Lupton declared a personal non prejudicial interest in respect of agenda item 7 - Economic Climate Update as he was a Durham Tees Valley Airport Board Member.

Councillor Cook declared a personal non prejudicial interest in respect of agenda item 7 - Economic Climate Update as he was employed in the petro chemical industry.

Councillor Cunningham declared a personal non prejudicial interest in respect of agenda item 7 - Economic Climate Update as he served on the Regional Development Agency.

Councillor Mrs Rigg declared a personal, non prejudicial interest in the item entitled Review of Area Partnerships as she was the Chairman of the Western Area Partnership.

Julie Nixon indicated that, with regard to item 6 - Voluntary Sector Support Fund 2009/10 Allocation and Review she was a member of the Catalyst Board.

With regard to item 6 - Voluntary Sector Support Fund 2009/10 Allocation and Review Julie Nixon indicated that she was a member of the Catalyst Board. She explained that she would be stepping down from this position shortly.

CAB 153/08 Minutes of the meeting held on 5th February 2009 and 19th February 2009

The minutes of the meetings held on 5th February 2009 and 19th February 2009 were signed by the Chairman as a correct record.

CAB 154/08 Local Authority Representatives on School Governing Bodies

Members considered the nominations to School Governing Bodies in accordance with the procedure for the appointment of School Governors, approved as Minute 84 of the Cabinet (11th May 2000).

RESOLVED that the following appointments be made to the vacant Governorships in line with agreed procedures subject to successful List 99 check and Personal Disclosure:

Bewley Junior School – Mrs V Cummins

Christ the King RC Primary School – Mr W Edwards

CAB 155/08 Christmans Festival and Stockton International Riverside Festival Review 2008

Consideration was given to a report that presented the outcomes and outputs for the Christmas Festival and Markets 2008, and Stockton International Riverside Festival (SIRF) 2008 to inform future investment and programming.

Members of Cabinet were provided with a summary of the events which formed part of the Stockton Christmas Festival and Market 2008 together with a summary of feedback received from visitors and businesses. Cabinet was also given details of the way forward in terms of festival timings and programming, events, locations and marketing.

Additionally a summary of the events for SIRF 2008 was provided as were statistics, taken from the annual SIRF Visitor Survey. Information relating to marketing and publicity, technical and safety management and disability access audit was also included in the report.

It was explained that the programme of festivals was to be expanded further in 2009. A spring festival based on the Tees Regatta and the Infinity Bridge opening was planned for May, summer festivals including SIRF 2009, a River Festival in August and BIFF were proposed, whilst ideas for festivals based around other religions, such as Diwali or Eid, were being considered as part of the festival programme. The winter festival of Stockton Sparkles including the Christmas and Market 2009 concluded the programme.

It was noted that to supplement the programme of festivals further events would be planned throughout the year with many of these also being focussed on improving footfall and spend across the Borough's town centres.

RESOLVED that:-

1. feedback received on the Christmas Festival & Market 2008 and SIRF 2008

be noted.

2. the outline proposals for taking forward the 2009 Christmas Festival & Market be agreed.

CAB 156/08 Voluntary Sector Support Funding (2009/10 Allocation) & Review

Members considered a report the purpose of which was two fold, namely:

i) To approve the specific allocation of Voluntary Sector Support Fund to 11 core funded organisations during 2009/10 as set out as Appendix 1 to the report.

ii) To agree the objectives for a review of the Voluntary Sector Support Fund during 2009/10

Cabinet noted that the Voluntary Sector Support Fund would receive core funding of £430,869 for 09/10. Council had approved an additional £123,000 for 1 year to be added to the core funding. This would provide a total of £553,869. Details of how this amount would be distributed was provided to members.

Members were also provided with details of objectives of a review of the Voluntary Sector Support Fund to be undertaken during 2009.

RESOLVED that:-

1. the distribution of the £553,869 Voluntary Sector Support Fund (including an additional one year only funding approved by Council on 25 February 2009) to the 11 organisations as set out at Appendix 1 of the report be approved.
2. Allocations for 2009/10 as detailed in Appendix 1 subject to compliance by the recipients in meeting the "Code of Practice – Governance" be approved.
3. The objectives for a review of the Voluntary Sector Support Fund during 2009/10 as set out in paragraphs 7.1 to 7.3 of this report be agreed.
4. The involvement of Catalyst, the strategic body for the voluntary & community sector in Stockton to be a key consultee and partner in undertaking the review of the Voluntary Sector Support Fund be endorsed.
5. The final agreement of the outcomes provided by the investment of the Voluntary Sector Support Fund be delegated to the Head of Housing in consultation with the Cabinet Member for Regeneration & Transport.
6. Authority be delegated to the Head of Housing in consultation with the Cabinet Member for Regeneration & Transport to agree amendments of individual allocations from the VSSF plus or minus 10%.

CAB 157/08 Economic Climate Update

Consideration was given to a report that provided Members with an overview of

the current economic climate, outlining the effects that this would have on Stockton Borough, and the mitigations already in place and those being developed in response to this.

A report was submitted to Cabinet in December 2008, which set the scene of the economic downturn, and the effects that the global recession and economic climate were having on businesses, rising unemployment, and mortgage repossessions.

The monthly update report would enable a focussed account to be made of any recent changes to economic circumstances the direct impact that this may have on the Borough, and the responses and mitigations either in place or being developed to support businesses and residents. Members were provided with a summary of the economic changes that had taken place and noted both negative and positive effects.

Members were encouraged by the many positive circumstances identified in the report and highlighted how useful the recent busting the credit crunch events had been.

Particular discussion took place on the announcement that BMI had terminated its service from Durham Tees Valley Airport to Heathrow. It was estimated that the cost to passengers of the withdrawal of the service was £2.3 million/year and to the business community £1.4 million/year. Members were very concerned about this development and its impact on the whole region. It was considered that it was important that relevant organisations in the region lobbied MPs and government ministers with a view to securing a solution to this problem.

RESOLVED that:-

1. The report be noted.
2. The work being undertaken be supported.

CAB **Hackney Carriage and Private Hire Licensing Policy Review**
158/08

Consideration was given to a report that presented the views and comments received from the Licensing Committee, trade and other interested parties following consultation on the proposed Hackney Carriage and Private Hire Licensing Policy. Cabinet was asked to determine the final policy.

Following initial consultation with the trade and interested parties the Licensing Committee at their meeting held on 13th October 2008, agreed a draft consolidated policy document in respect of Hackney Carriage and Private Hire licensing and that further consultation be carried out with the trade and other interested parties on the proposed policy.

Consultation had been undertaken and the Licensing Committee considered the responses received, together with officer's comments at their meeting on the 27th January 2009. At that meeting the Members agreed various amendments that should be incorporated into the draft policy and certain issues that Cabinet may wish to consider. Cabinet was provided with a copy of the minutes of that

meeting and a copy of the revised draft policy.

Cabinet was given details of further amendments to the proposed policy document as a result of information being received from the Independent Safeguarding Authority and also following the receipt of Counsel's opinion.

Also, since carrying out the consultation exercise the Department of Transport had issued a consultation document "Improving Access To Taxis". The document looked at four options of which Cabinet were given details. Officers would consider and respond to the consultation, in consultation with the cabinet member before the closing date of 24 April 2009.

It was explained that the issue that Licensing Committee Members requested be given further consideration was in relation to random drug testing of drivers. The trade suggested that this should only be required when there was clear and independent information which suggested a driver may be abusing any substance; there should be no cost to the driver if tests were negative and safeguards should be in place for the testing regime and the individual concerned.

The Licensing Committee was concerned that, while there were benefits of random drug testing particularly for public safety, there were issues regarding residual level of narcotics in the blood system, the need for consistency for drug testing across all Council employees whose duties included driving, and the trade being fully informed of the processes. The Committee therefore recommended that drug testing should be deferred until these issues had been examined.

It was noted that Officers believed that the introduction of random drug testing would increase public safety, improve the reputation of the reputable licensees and assist the authority in fulfilling its duties under section 17 of the Crime and Disorder Act 1998.

Members of Cabinet were therefore requested to include the requirements for random drug testing in the Hackney Carriage and Private Hire Licensing Policy proposed in paragraph 198 -199, page 23. It was explained that Officers would develop detailed guidance notes regarding the manner in which the random drugs tests would be undertaken and would consult further with the trade on them in time for its proposed introduction date of 1st July 2009.

Cabinet was informed of the implementation dates that Licensing Committee and officers considered appropriate.

RESOLVED that:-

1. The requirements for random drug testing of drivers be included in the Hackney Carriage and Private Hire Licensing Policy with effect from 1st July 2009.
2. Officers investigate the introduction of random drugs testing for all who drive vehicles or operate heavy machinery on behalf of the Council.
2. The Hackney Carriage and Private Hire Licensing Policy as presented in

Appendix Two be approved

3. The implementation dates for the Hackney Carriage and Private Hire Licensing Policy be approved as follows:-

(a) The policy to take effect from 6th March 2009;

(b) The new meter provision to apply to existing vehicles from 1st April 2012;

(c) Euro II emission standard to apply at next licence renewal i.e. Sept/Oct 2009;

(d) Standards for tinted windows to apply at next licence renewal i.e. Sept/Oct 2009;

(e) Training requirements for drivers/private hire operators (PHO) re NVQ and BTEC qualifications to be obtained within 12 months from next licence renewal (PHO licences will be renewed in Nov 2009; driver renewals are dealt with each month as they are granted for 12 months from the date of issue); and

(f) Existing vehicles that have previously been categorised as 'accident damaged' on their V5 document should not have their licence renewed at the Sept/Oct 2010 renewals.

5. The revised specification for wheelchair accessible vehicles (WAVs), detailed at Appendix A in the draft policy (at Appendix Two to this report) be approved. The policy determines that all new applications for hackney carriage vehicle licences shall be required to comply with this specification, until the total number of WAVs licensed reaches 25% of the total hackney carriage fleet, which equates to 70 vehicles, when the policy will then be reviewed. Existing licensed saloon hackney carriages can be replaced by another saloon vehicle until this policy is next reviewed (i.e. in three years time or when the total numbers of WAVs reach 70, whichever is the earlier).

CAB 159/08 Stockton Heritage Strategy and Action Plan

Cabinet considered a report relating to the development of a Stockton Heritage Strategy and action plan.

It was explained that there were many local and regional strategies relating to heritage, and activities which celebrated Stockton's history, but they were not brought together in any one plan, and there were gaps. New technology had generated new opportunities for Stockton to connect and reveal aspects of history, and to release a wealth of knowledge and information from local people.

Cabinet was given details of the current position and also the proposed development of a new encompassing strategy for heritage, based around five heritage themes:

- Early Stockton, iron-age, Roman and Saxon Stockton
- Railway and engineering heritage including petrochemical industries
- Our World War I and II contribution

- Plaques, trails and interpretation in the landscape
- Recent/Living history and community interest in heritage

Cabinet was informed that an overarching Heritage Strategy would exist as a written document published online, providing a framework for the work of various Council Services, community groups and heritage agencies. A new micro site within Stockton.gov.uk would allow people to add comments and pictures, driving an ever-increasing body of information on Stockton's Heritage and living history.

It was noted that this would then be translated into an implementation plan.

It was considered that it would be helpful to bring together an Officer Steering Group to drive the production of the plans and the development of the micro-site. It was noted that the group could report to the existing Urban Environment Task Group to provide a wide underpinning of member and officer input.

It was explained that given the focus on user generated content and on unlocking the expertise and interest of local individuals, it was considered helpful to establish an Independent Advisory Group to oversee the production of the strategy and the website content, and to promote widespread involvement. It was proposed that the Independent Advisory Group should include elected members covering all parties, key academic figures and local historians, and representatives of the established local history groups or societies.

RESOLVED that:-

1. The development of a single overarching heritage strategy based on the 5 heritage themes be approved.
2. The formation of an officer steering group and an Independent Advisory Group to oversee the development of the Heritage Strategy and the Heritage Stockton micro-site be approved.
3. An implementation plan be developed by summer 2009.

CAB **Review of Area Partnerships**
160/08

Consideration was given to a report which provided details of a review Area Partnerships which had been undertaken to strengthen their community leadership role and their support arrangements.

Members noted the methodology of the review and issues that had been identified. Issues identified included:-

- Governance/Decision Making
- Membership
- Funding Support

It was explained that there were a number of actions to be undertaken by the Area Partnership Boards, following on from the review, which would be

incorporated into an Area Partnership Board Improvement Plan, a draft of the plan was provided to Members.

RESOLVED that:-

1. The review be noted.
2. The implementation of the Area Partnership Board Improvement Plan be endorsed.

CAB 161/08 Flood Risk Management - Pitt Review

Cabinet considered a report relating to Flood Risk Management – Pitt Review.

It was explained that in August 2007 Sir Michael Pitt was asked by Ministers to carry out a review of the flood related emergencies, which occurred during the Summer of 2007. The Pitt Review -"Learning Lessons from 2007 Floods" was released on 25 June 2008. Overall it contained 92 recommendations addressing physical, institutional, co-operative and political aspects of flood risk management.

In December 2008 the Government published its response to the Pitt Review in the form of an action plan for Government, local authorities and others to implement the 92 recommendations within the review. Cabinet was given details of the implications for the Council, the next steps to be taken and the long-term implications. In particular, recommendations 14-20 and 90-91 set out the roles that local authorities were expected to play in the future. Cabinet was presented with these recommendations with the Governments response, implementation, funding and specifically the action to be taken by Stockton Council.

It was recognised that the cross cutting agenda associated with the Floods & Water Bill would generate across all service areas, Cabinet therefore agreed to recommended to Council that the lead responsibility should lie within the portfolio for Corporate Management and Finance.

RESOLVED that:-

1. The report be noted.
2. Officers produce a further report when the Floods and Water bill is published and the impact that will have upon the authority is clear.

RECOMMENDED to Council that the Corporate Management and Finance Portfolio be the lead for flood risk management.

CAB 162/08 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:-

St Ann's Development Board 8 January 2009

The Billingham Partnership 12 January 2009

The Western Area Partnership 26 January 2009

CAB **Teachers Joint Consultative Panel**
163/08

Members were provided with the Teachers' Joint Consultative Panel's Terms of Reference which stated that 'it is a forum for discussion of issues of mutual interest to elected Members, representatives of teacher organisations and officers of the Council'.

Included in the Terms of Reference was a mechanism for items to be submitted to the Panel for discussion. Unfortunately there had been no items submitted for consideration, for some considerable time, and during that time the Panel had not met. Clearly, given these circumstances, consideration needed to be given to its future operation and possible options in this regard.

The issue was initially discussed at a meeting between school staff representatives and officers from Children, Education and Social Care. Staff representatives indicated that they would support the continuation of the Panel in some form as they felt that its role, as a link between school staff and elected members, to discuss 'issues of mutual interest', was important and would be of great benefit to union representatives and elected members. They felt that it would be particularly beneficial over the coming years, when relevant issues related to the introduction of Building Schools for the Future could be discussed.

In supporting the continuation of the Panel, staff representatives requested that consideration be given to extending its membership and suggested that it be amended to include all school workforce union representatives i.e. to include teaching and school support staff reps.

At a meeting of the Teachers Joint Consultative Panel (TJCP), called to specifically discuss its future operation, Members considered possible ways forward. The Panel was provided with a draft Terms of Reference, which reflected comments made by school workforce representatives. The report also made suggestions relating to the introduction of an annual work programme and an amended agenda management process.

In addition to the above, Members also considered the possibility of merging the Panel with the Council's Local Joint Consultative Panel (LJCP). The LJCP fulfilled a very similar role to the Teachers Panel, but it considered issues associated with staff from services not directly connected to schools. Staff union representation on the Panel reflected this. It was suggested that there could be benefits to a merger, including the widening of debate on issues, cutting down on duplication and reducing the number of meetings necessary.

The Panel discussed the options presented and, whilst recognising that there

were merits in the merger suggestion, felt that the Schools' agenda had been large enough to justify a separate forum. There were concerns that meetings of such a merged Panel could be quite protracted. It was considered that separate meetings were still the most appropriate way to consider relevant issues for both Panels. The Panel did, however, agree that staff representation should include all school workforce staff, not just teaching. It was also agreed that suggestions relating to the formation of an annual work programme and a new agenda management process were positive.

During further consideration of the Panel's Membership it was agreed that the two largest unions, the National Association of School Masters and Women Teachers (NASUWT) and the National Union of Teachers (NUT), should have two representatives each. This would result in 11 staff representatives serving on the Panel.

Recognising that the Panel was for consultative purposes only, Council Members, present at the meeting, indicated that they were happy that Council representation should remain at 7.

Members were provided with a proposed Terms of Reference, which reflected the discussions detailed above. Given the proposed changes, it was explained that it would be necessary for Council to agree that the Teachers Joint Consultative Panel be discontinued and a Schools' Workforce Joint Consultative Panel (including centrally employed Teachers) be established. Minutes of the Panel were forwarded to Full Council for information.

RECOMMENDED to Council that:-

- 1. the Teachers' Joint Consultative Panel be discontinued.**
- 2. A Schools' Workforce Joint Consultative Panel (including centrally Employed Teachers) be established and its Terms of Reference as detailed in Appendix 2 of the report be approved.**
- 3. necessary amendments be made to the Constitution.**
- 4. the operation of the Panel be reviewed in 12 months.**

**CAB Billingham Forum Refurbishment
164/08**

Cabinet considered a report that provided an update regarding the detailed design and costs associated with the Billingham Forum refurbishment.

Members of Cabinet were provided with the Cost Plan Summary which highlighted the scope of works to be undertaken alongside the cost budgeted to complete the work and the assumptions and exclusions information which informed this.

Cabinet was also given details of the facility mix and proposed layout plans, external elevations and 3D images of Billingham Forum.

Details relating to the sustainability report and the Theatre contract were also

presented to Members of Cabinet.

It was explained that following, and subject to Cabinet/Council approval, a Planning Application and listed building consent (LBC) Application would be submitted by the end of March 2009. The detailed design period was programmed to be finalised by mid June 2009.

Tees Active Ltd and Riverside Leisure Ltd were programmed to decant from the building at the end of June 2009 and the chosen contractor, Morgan Ashurst, would take possession of the site immediately following, in early July 2009. The construction period had been identified as 75 weeks in duration with the refurbished Forum expected to be open to the public at the beginning of January 2011.

RESOLVED that:-

1. the refurbishment of Billingham Forum proceed as detailed in the Scope of Work section of Appendix One and on the layout plans in Appendix Three A and B, external elevations in Appendix Four A and B and 3D images in Appendix Five.
2. the Head of Technical Services in the absence of the Corporate Director of Development and Neighbourhood Services in consultation with the Cabinet Member for Regeneration, the Leader and the Cabinet Member for Culture & Leisure be authorised to agree any further design changes.
3. the appointment of the contractor, Morgan Ashurst, from the current Stage 1 (Early Contractor Involvement (ECI) to Stage 2 (Construction) be authorised, subject to Planning Permission and confirmation that the construction cost is within the scope of the final cost plan.

RECOMMENDED to Council that:-

4. **the final cost plan as detailed in Appendix One be approved and the assumptions that inform this in Appendix Six be noted.**
5. **the funding proposal as detailed in sections 32-37 of this report be approved and noted.**

**CAB
165/08**

Local Development Framework: Sustainability Appraisal Scoping Report

Members were provided with a report that sought agreement to consult with key stakeholders on the updated Sustainability Appraisal Scoping Report. The report was provided to members. It was explained that the Sustainability Appraisal Scoping report recorded the process of deciding on the scope and level of detail for the Sustainability Appraisal of emerging planning documents which would make up the Local Development Framework. This would be a tool to be used to appraise the emerging Local Development Framework proposals and policies using the ten Sustainability Appraisal objectives that reflected the key sustainability issues within the Borough.

RECOMMENDED to Council that:-

1. The contents of the report be noted.

2. The Sustainability Appraisal Scoping Report for consultation with key stakeholders be approved.

**CAB
166/08 Sustainable Commissioning and Procurement Strategy**

Consideration was given to a report that sought approval of a new Procurement Strategy for the Council, the current Strategy concluded in March 2009. The report also sought approval of changes to Contract Procedure Rules and related Responsibility for Functions.

It was explained that the purpose of the Sustainable Commissioning and Procurement Strategy was to define a strategic level approach to the way in which the Council commissioned and procured goods, services and works and to lay down a series of policy principles that guided all related activity. The strategy included details about context and how commissioning and procurement was currently organised within the Council, what the Council bought and how commissioning and procurement could be used to deliver other strategic objectives of the Council. The policy principles covered a number of generic areas as well as 3 specific spend categories.

Cabinet was provided with a copy of the strategy and a summary of the main changes.

It was noted that the review and renewal of the Sustainable Commissioning and Procurement Strategy had also provided the opportunity to review Contract Procedure Rules (CPR). These rules lay down the detailed procedural guidance of how commissioning and procurement should be undertaken. The CPR was part of the Constitution and included links to the Responsibility for Function - Scheme of Delegation.

The main purpose of the review was to update the 'language' of CPR to make it easier for Members and officers to understand and to ensure they met all legislative requirements (primarily the Public Contracts Regulations 2006). Cabinet was given details of other changes.

The Responsibilities for Functions had also been simplified and clarified to make it easier for officers to understand what powers they had in relation to commissioning and procurement.

Members of Cabinet were provided with a copy of Contract Procedure Rules and the relevant part of the Responsibilities for Functions.

RESOLVED that:-

1. The new Sustainable Commissioning and Procurement Strategy 2009 – 2012 be approved.

RECOMMENDED to Council that:-

2. The revised Contract Procedure Rules (Part 4 of the Constitution – Rules of Procedure) be approved.

3. Changes to Section 44 Scheme of Delegation (Part 3 of the Constitution – Responsibility for Functions) be approved.

**CAB
167/08** **Proposed Revision to Cabinet Member Portfolios**

At its meeting held on 9th July 2008 (min C89/08 refers) Council approved changes to the Cabinet structure which saw it increase in size to nine members, and entailed the creation of two new Cabinet Portfolios combining and replacing the responsibilities previously held by the Cabinet Portfolio for Corporate & Social Inclusion.

The Portfolios for Corporate Management & Finance and Access & Communities were established and the service responsibilities previously held by the Cabinet Portfolio for Corporate & Social Inclusion were split into the two new Portfolios as appropriate.

Responsibility for the Council's Communications function sat within the Cabinet Member Portfolio for Corporate Management & Finance. However, it was considered that Communications would be best placed alongside Community Engagement & Consultation

It was therefore suggested that responsibility for Communications be moved from the Corporate Management and Finance Portfolio to the Access and Communities Portfolio

RECOMMENDED to Council that the proposed revision to the Cabinet Member Portfolios for Corporate Management & Finance and Access & Communities be approved.

**CAB
168/08** **Land and Building at Saltergill School, Yarm, Stockton**

Cabinet considered terms in relation to the proposed disposal of the land and buildings at Saltergill School, a former residential special school located on Saltergill Lane on the outskirts of Yarm. Cabinet was provided with an outline plan of the site. It was explained that the property ceased to be used for operational purposes in August 2005 and was surplus to the Council's requirements.

RESOLVED that the disposal of Saltergill School be agreed in accordance with the terms.