

Cabinet

Monday, 25 November 2019

Present: N Redfearn (Elected Mayor) (in the Chair)
Councillors B Pickard, G Bell, S Cox, S Day, P Earley,
R Glindon and C Johnson

In Attendance: A Ferris (Young Mayor)
R Fry (Voluntary and Community Sector)
R Layton (North Tyneside Joint Trade Union Committee)
D McNally (Age UK)
D Bavaird (Business Representative)

Apologies: Councillors C Burdis and M Hall

CAB66/19 To Receive any Declarations of Interest and Notification of any Dispensations Granted

No declarations of interest or dispensations were reported.

CAB67/19 Minutes

Resolved that the Minutes of the previous meeting held on 14 October 2019 be confirmed and signed by the Chair.

CAB68/19 Report of the Young Mayor

The Young Mayor reported on the following activities in which she and Young Cabinet Members and/or Youth Councillors had been involved:

- Local Democracy Week activities which included the Annual Debate, Young People's Question Time and a Democracy Café event held in Newcastle.
- Youth Councillors had been involved in the Assistant Director of Education interviews.
- The Deputy Young Mayor had attended VODA's Annual General Meeting where he had presented an award to the Young Volunteer of the year.
- Youth Councillors had attended the It's Our Future Event held at the Institute for Civil Engineers at Westminster in London, and in partnership with Barnardo's, young people had attended from across the country, with their views being used as part of larger research project into youth voice and would form the core of Barnardo's campaigns and lobbying.
- A group of SEND Youth Forum members had taken part in a Council for Disabled Children planning event at the Parks Leisure Centre and had received the Innovation Award at the North Tyneside Customer Services Awards.
- Attendance at Remembrance services around the borough and laying of wreaths at Forest Hall, North Shields, Wallsend and Whitley Bay and at the Jigsaw Memorial, Killingworth.
- The Anti-Bullying Group members had presented awards to the winners of the Creative Writing and Poetry competition and were helping to support the Young

- Mayor's pledge to have more discussion around feminism, sexism and homophobia.
- Youth Councillors had attended an Emergency First Aid Course with St John's Ambulance.
- Young Cabinet Member for Community Safety Abbie Armstrong had been selected as a Knife Crime Ambassador.
- The Make Your Mark 2019 vote had concluded in mid-October with almost 900,000 young people taking part nationally. The results for the North Tyneside National vote were Protect the Environment and To End Knife Crime,
- UK Youth Parliament members had debated the top five topics which were voted on nationally - the Climate Emergency, Tackling Hate Crime, Young People's Mental Health, Knife Crime and a Curriculum for Life. At the end of the debates Members of UKYP had voted by a huge majority for The Climate Emergency to be the main campaign for 2020.
- The theme of this year's State of the Area Event was The Climate Emergency with workshops being very solution focused and lots of ideas put forward about what everyone could do to become more environmentally sustainable
- The environment group had continued to look at ways that they could improve things in North Tyneside by preparing a joint a letter to Government and working closer with the Authority's Environmental Sustainability team in highlighting that everyone had to take responsibility to make changes.

The Elected Mayor thanked the Young Mayor for the report.

CAB69/19 2019-20 Financial Management Report to 30 September 2019

Cabinet considered the third monitoring report outlining the Authority's 2019/20 financial position which provided an update on the expected revenue and capital financial position of the Authority as at 31 March 2020.

The report covered the forecast outturn of the Authority's General Fund and Housing Revenue Account (HRA) revenue budget including management mitigations where issues had been identified; the delivery of 2019/20 approved budget savings plans; and an update on the Capital Investment Plan, including details of variations and reprogramming, that were recommended for approval.

The forecast overall pressure on the General Fund was estimated at £4.809m against the approved net budget of £155.730m. This was driven mainly by Health, Education, Care and Safeguarding reflecting the continued pressures in Children's Services of £4.615m and Adult Services of £1.384m, partly mitigated by the contingency balances that had been created by Cabinet as part of the 2018/19 budget setting process and continued to be held centrally to reflect the on-going pressures in social care being felt locally and nationally. Included in this projection was £3.656m of pressures in Corporate Parenting and Placements and £2.178m in Wellbeing and Assessment. The drivers for these pressures continued from 2018/19, as outlined in the report.

The other main areas of pressure existed within the Resources section, primarily due to additional costs within ICT Retained Services. It was anticipated that the overall outturn forecast would improve over the course of the financial year as planned remedial actions began to impact on both expenditure and income.

The HRA was forecast to have year-end balances at 31 March 2020 of £7.585m, which was £3.714m higher than budget which was set at £3.871m. The higher than forecast balances were mainly as a result of higher opening balances due to the impact of the previous year's financial performance (£1.101m) but there was also an in-year estimated overall underspend of £2.613m, against an in-year budget of £2.331m, due to additional income of £0.496m combined with reduction to expenditure of £2.117m, which was linked to savings identified following the end of the Kier JV from April 2019.

Universal Credit had been fully implemented across North Tyneside on 2 May 2018. As of the end of September 2019, 2,850 North Tyneside Homes tenants had moved on to Universal Credit and a team was working proactively with tenants to minimise arrears. This position would be closely monitored as the year progressed to identify any adverse impacts on the budget position.

The total planned schools' deficit for 2019/2020 was £5.045m. The trend for reducing school balances continued, and some individual schools continued to face significant financial challenges. There were nine schools with approved deficits in 2018/19, five of which continued to be in deficit for 2019/20. Six schools were also new to deficit in 2019/20.

The High Needs Block had ended 2018/19 with a pressure of £0.920m. Initial forecasting of the budget position for 2019/20 indicated a similar level of pressure within the year of £0.952m. In line with the national picture, there had been a rise in demand for special school places within North Tyneside and the Authority was planning for places at the end of 2019/20 to total approximately 776. This compared to a total of 664 places at the beginning of 2018/19.

The 2019-2023 Investment Plan, adjusted for proposed programming, totalling £210.607m (£74.906m 2019/20) was detailed in the Annex to the report. The Annex also set out delivery progress to date, planned delivery for 2019/20, reprogramming and other variations identified through the Investment Programme governance process.

The new revenue grants received during the period August and September 2019 were set out in the report.

The Authority had plans in place to deliver all elements of the Council Plan and performance against those plans was carefully monitored. In common with most local authorities, and in line with the national picture, the Authority had seen costs within adult social care continue to rise. The number of adults supported in placements within Residential and Nursing Care and Homecare and Extra Care had risen during the second quarter on 2019/20. In Children's Services good progress continued to be made on engaging with children in the early years of life to ensure that they were ready for school. Safeguarding vulnerable children and maximising their educational attainment remained key priorities.

The levels of Looked After Children (LAC) and children who required supervision after leaving care continued to generate a significant financial pressure. In year data suggested that the Authority's LAC levels had risen steadily from 293 in September 2018 to 315 in September 2019. There was a wide range of levels of care provided, with more complex cases now being faced. Increasing demand and complexity continued to drive financial pressure in 2019/20 and the Authority was forecasting a pressure of £3.656m in Corporate Parenting and Placements.

An officer led review of the Investment Plan had resulted in proposals for variations of £10.180m, more details of which were set out in Section 7 of the Annex to the report. The revised Investment Plan stood at £74.906m for 2019/20 and to the end of September 2019 spend of £18.698m had been incurred which represented 24.96% of the revised plan.

The Elected Mayor thanked officers and the Cabinet Member for Finance and Resources for their work in dealing with ongoing budget pressures.

Cabinet considered the following decision options: either to approve the recommendations as set out in paragraph 1.2 of the report, or alternatively, to not approve the recommendations.

Resolved that (1) the forecast budget monitoring position for the General Fund, Schools' Finance and Housing Revenue Account as at 30 September 2019 be noted;
(2) the Authority's Investment Plan spend of £18.698m to 30 September 2019 and the financing of the Plan to the end of the year be noted;
(3) the variations of £10.506m within the 2019-2023 Investment Plan be approved;
(4) the receipt of £0.162m of new revenue grants and £10m capital grant be approved; and
(5) the performance of the Treasury Management Strategy and the Collection Fund, and the performance against the Prudential Indicators be noted.

(Reason for decision: It is important that Cabinet continues to monitor performance against the budget, especially given the current level of financial pressures faced by the public sector.)

CAB70/19 2020-2024 Financial Planning and Budget Process: Cabinet's Initial Budget Proposals

Cabinet considered a report which sought approval to the Cabinet's initial budget proposals in the context of a refreshed Our North Tyneside Plan 2020-24. The proposals covered a four-year planning period from 2020-24 for the Revenue Budget and a five-year planning horizon for the Investment Plan.

The 2019/20 financial year was the final year of the 2016 Spending Review, which had afforded local government some financial certainty with which to plan over the medium term. The lack of a multi-year Spending Review had meant that there was a significant level of uncertainty when undertaking financial planning for the longer term. Political uncertainty remained high. Brexit had been delayed until 31 January 2020 and the forthcoming General Election had caused delays for major funding announcements. The initial proposals had therefore been prepared on the basis of assumptions included in the Spending Round 2019 (SR19) announced in September.

The SR19 was limited to a single year, which included headline numbers for Government spending for 2020/21 and indicative three-year allocations for schools. In addition, SR19 confirmed the Government's proposal to 'roll forward' the 2019/20 Local Government Finance Settlement. Specific funding allocations were yet to be confirmed and a full multi-year Spending Review was now planned to be held in 2020. The main headlines announced in SR19 included:

- Departmental spending to increase by 4.1% in real terms, whilst keeping within the

- Government's fiscal rules;
- Social care grants received by local authorities in 2019/20 would continue in 2020/21;
- The Improved Better Care Fund would be maintained at 2019/20 levels, and the Winter Pressures Grant (£240m allocated in 2019/20) would be rolled into the Fund for 2020/21;
- An additional £1bn of grant funding would be distributed for social care in 2020/21, plus local authorities would be able to charge a further 2% Adult Social Care Precept;
- A real terms increase in the Public Health and Revenue Support Grant; and
- Authorities would be able to increase Band D Council Tax up to 2% for the basic element in line with the referendum limit for 2020/21.

Consultation with Government was underway on the basis of distribution of the additional social care grant. However, initial indications were that the Authority would receive additional social care funding of £4.300m in 2020/21.

SR19 also included a three-year funding settlement for schools, high needs and early years which were part of the Dedicated Schools Grant (DSG). Nationally, additional funding would be £2.6bn in 2020/21, £4.8bn in 2021/22 and £7.1bn in 2022/23. The main headlines announced included:

- An increase in per pupil funding for all schools in line with inflation in 2020/21 (1.8%) with minimum per pupil funding levels set at Primary £3,750, Key Stage 3 £4,800 and Key Stage 4 £5,300;
- Minimum rate per pupil for primary schools rising to £4,000 in 2021/22;
- Additional funding of £700m in 2020/21 for children with special educational needs;
- Additional early years funding of £66m;
- Additional funding of £400m in 2020/21 for further education;
- Confirmation that the Government would continue to support additional teachers' pension costs for schools; and
- Commitment to move towards a 'hard' National Funding Formula for schools as soon as practical.

The Authority was currently working through the implications of the funding announcement and was waiting for further details to be released by the Government to understand the impact for schools and other services supported by the DSG.

The Authority was experiencing a difficult period and it was faced with relentless pressure on reduced budgets. The initial Budget proposals aimed to protect essential services for the people of North Tyneside, invest in the future of the borough, grow the local economy, and create more jobs and opportunities in a borough that worked better for residents.

With so many competing demands to pay for services, the Elected Mayor and Cabinet had carefully scrutinised the Authority's finances. With the scale of the funding reductions, difficult decisions had had to be made and many more lay ahead if the Authority was to manage within available resources. These proposals aimed to protect essential services and make sure that the Authority operated as efficiently as possible to provide excellent value for money for local taxpayers.

The Our North Tyneside Plan 2020 – 2024 provided the policy framework or context for the Budget proposals. The Plan, which had been refreshed to reflect two key policy

developments as agreed previously by full Council, namely the declaration of a climate emergency and the role of the North of Tyne Combined Authority, was set out in Appendix A to this report.

Engagement on both the refreshed Our North Tyneside Plan and the draft Budget proposals set out in the report would take place from 26 November to 5 January 2020. The engagement approach would be as agreed by Cabinet on 9 September 2019.

The Housing Revenue Account (HRA) had faced significant challenges from legislation, particularly linked to the Welfare Reform and Work Act 2016 and the Housing and Planning Act 2016. 2020/21 represented the end of the Government's policy to reduce rent by 1% for four years for all housing stock. From April 2020 Government had announced that social rents would once again be based on Consumer Prices Index plus 1% for at least 5 years to give some greater surety to allow longer-term business planning. The Authority was also facing the impact of the continued roll-out of Universal Credit and other welfare reforms.

The report outlined how the initially identified benefits from the transfer of the Housing, Property and Construction Service back into the Authority would be re-invested. It also referred to the removal of the HRA borrowing cap announced in the October 2018 Spending Review. These various factors continued to be considered as part of the updating of the 30-year plan which aimed to ensure the long-term viability of the HRA in line with the policy direction of the Elected Mayor and Cabinet and the needs of tenants. For the current financial planning and budget process, a four-year revenue plan had been developed in line with the approach adopted for the General Fund. Tenants would be consulted on the proposals and the final HRA business plan and budget for 2020/21, including the housing rent, garage rent and service charges and the Housing Capital Investment Plan, would be presented to Cabinet on 20 January 2020 for approval.

Annex 1 to the report set out in detail the Cabinet's 2020-2024 initial Budget proposals for the General Fund Revenue Budget, Dedicated Schools Grant, Housing Revenue Account, 2020-2025 Investment Plan, and the 2020/21 Treasury Management Statement and Annual Investment Strategy.

Cabinet's initial Budget proposals were based upon available information and judgements at the time of the writing of the report. There were a number of assumptions and judgements built into the figures presented that were outside the control of the Authority and needed to be finalised. The initial Budget proposals were therefore subject to further review before they could be confirmed. The information to be assessed and finalised was:

- (a) The Government's Budget;
- (b) The Provisional and Final Local Government Finance Settlement announcements for 2020/21, including capital announcements and specific grants (including the Dedicated Schools Grant;
- (c) Police and Crime Commissioner for Northumbria and the Tyne and Wear Fire and Rescue Authority Precepts (due February 2020);
- (d) Levies, including the North of Tyne element of the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority Transport Levy (due January

2020);

- (e) Tyne and Wear Joint Service Budgets (due January/February 2020); and
- (f) Consideration of the impact of the economic climate on the residents of the borough and Council Tax payers.

Therefore, as some external announcements were still to be received, Cabinet was recommended to authorise the Elected Mayor, in conjunction with the Cabinet Member for Finance and Resources, Deputy Mayor and other Cabinet Members, to work with the Senior Leadership Team to continue their joint review of these proposals.

The Elected Mayor made reference to public engagement and how the Authority delivered services and met the needs and priorities of residents in the context of increasing demand and financial pressures. She thanked Cabinet Members and the officers for their work so far. The Cabinet Member for Finance and Resources endorsed the Mayor's thanks to officers.

Mr D Bavaird, on behalf of the business sector, applauded the Authority's engagement programme in respect of the budget process and welcomed the opportunity for businesses to be involved in the process.

Cabinet considered the following decision options: to either agree the proposals set down in the report, or alternatively, to suggest that further / different options were considered by the Senior Leadership Team and be reported back to Cabinet for further consideration.

Resolved that (1) the progress made in relation to this year's Financial Planning and Budget process be noted;

(2) the key principles being adopted in preparing the Medium-Term Financial Strategy for the Authority, subject to an annual review, be noted;

(3) the medium-term financial challenges and financial risks facing the Authority be noted and these issues be addressed as part of the Efficiency Programme for the Authority, to deliver continued financial stability and prudent management of its financial resources;

(4) the formal Reserves and Balances Policy for the Authority, subject to review at least Annually, be noted;

(5) the initial Budget proposals in relation to the 2020/21 General Fund Revenue Budget and Dedicated Schools Grant, including the assessment of the current year's budget monitoring information 2019/20 be approved;

(6) the Head of Resources, in consultation with the Head of Commissioning and Asset Management, the Cabinet Member for Children, Young People and Learning and the Cabinet Member for Finance and Resources, be authorised to undertake resource allocations to schools for 2020/21 in line with the school funding arrangements set out in the report;

(7) the proposed 2020-2025 Investment Plan be approved, noting that the Plan continues to be under review;

(8) the draft Capital Investment Strategy be noted and it be noted that this Strategy will now be subject to consultation as part of the Budget Engagement Strategy;

(9) it be noted that all approved schemes within the 2020-2025 Investment Plan will be kept under corporate review by the Investment Programme Board;

(10) the draft 2020/21 Treasury Management Statement and Annual Investment Strategy be

approved;

(11) the Provisional Statement by the Chief Finance Officer be noted;

(12) the initial Budget proposals in relation to the 2020-2024 Housing Revenue Account Budget, and associated Business Plan, including an assessment in relation to the current year's budget monitoring information 2019/20 be approved;

(13) the proposed April 2020 2.7% rent increase from April 2020 (in line with Government policy), and the initial proposals in relation to housing service charges and garage rents for 2020/21 be noted;

(14) the Elected Mayor, in conjunction with the Cabinet Member for Finance and Resources, Deputy Mayor and other Cabinet Members, be authorised to work with the Senior Leadership Team to continue their joint review of these initial Budget proposals;

(15) the Chief Executive, in consultation with the Elected Mayor, Cabinet Member for Finance and Resources, Deputy Mayor and the Senior Leadership Team, be authorised to manage the Efficiency Programme and it be noted that progress will be reported to Cabinet as part of the regular budget monitoring process;

(16) the proposed refreshed Our North Tyneside Plan, as set out in Appendix A to the report, be approved; and

(17) it be noted that the timetable of key milestones for 2020-2021 has been updated to reflect the potential changes which will be proposed to full Council on 28 November 2019.

(Reason for decisions: Due to external information still to be received, Cabinet is not in a position to finalise setting its proposed Council Tax level for 2020/21 in relation to the General Fund. These initial Budget proposals include the Government's assumed general increase to Council Tax of 1.99% and the Social Care Precept of 2% in 2020/21. This report will form the basis of Budget engagement and scrutiny over the next two months, but further work will inevitably be required before final decisions are made on the budgets for next year, hence the authorisation recommendation referred to in paragraph 1.6.2 of the report.)

CAB71/19 An Ambition for North Tyneside Update

Cabinet considered a report which provided an update on what had been achieved across the Borough since the 'Ambition for North Tyneside' had been approved by Cabinet on 26 November 2018.

Since then significant progress had been made by the Authority and its partners in keeping its promise and delivering a range of projects across the borough. This included commencing work on the second phase of the Centre for Innovation in Wallsend. New family housing had been brought forward at the coast on sites that had formerly blighted the Authority's coastal visitor offer such as the former Avenue Public House. There had been investment in flood defences at Killingworth Lake as well as further investment in the Authority's housing stock, highways and schools.

The report also set out future planned activities across the borough over the next 12 months and beyond. These included plans for Segedunum World Heritage Site, further work to develop at Killingworth Lake, as well as completing public realm work at Whitley Bay. It also set out the next steps for the regeneration and masterplanning of North Shields Town Centre and Fish Quay.

Further details of progress made to date and plans for future work in each of the four areas

of the Borough were set out in the report, and how the plans linked into the Our North Tyneside Plan.

Progress on the plan would be reported regularly to Cabinet. Property-related projects would be dealt with via the Strategic Property Group and investment projects overseen by the Investment Programme Board. Specific project and working groups would be established to handle more significant projects with appropriate Elected Member and Chief Officer leadership.

The next steps would include agreeing the Authority's Budget and Investment Plan Proposals to reflect this programme; options on the major projects moving through appropriate governance; and finalising the Investment Programme based on a £10m budget over 5 years.

The Elected Mayor thanked the Cabinet Members and the Officer teams for their work in developing the programme.

Resolved that (1) the progress made in delivering the overall plan since November 2018 be noted;
(2) the 'Ambition for North Tyneside' continue to be monitored by the Investment Programme Board and progress be reported regularly to Cabinet.

CAB72/19 Adoption of the National Register for Taxi Licence Revocations and Refusals

Cabinet considered a report which sought approval for the use by the Authority of the National Register of Taxi Licence Revocations and Refusals developed by the Local Government Association and the National Anti-Fraud Network.

When considering applications for hackney carriage and private hire drivers' licences, the Authority must be satisfied that the applicant was a fit and proper person to be granted a licence. As part of the application process an applicant was asked if they had ever had a licence application refused or revoked by another licensing authority. Currently the answer given to this question was checked against a Regional Register that the 12 North East licensing authorities had adopted and updated on a regular basis. Before the introduction of the National Register it had not been possible to check for the refusal or revocation of an individual's licence outside the North East region.

The National Register, to be known as the 'NR3 Register', was a mechanism that enabled licensing authorities to share details of individuals who had had a hackney carriage or private hire driver licence revoked or an application for such a licence refused and the reason for the revocation or refusal. The adoption of the use of the National Register would enable the following to occur: -

- When a hackney carriage or private hire driver's licence was revoked, or an application for a licence was refused, the Authority would automatically record this decision for inclusion in the National Register;
- The checking of all applications for a new licence or licence renewal against the National Register.

The Local Government Association and National Anti-Fraud Network had issued guidance which was attached to Appendix A to the report. The guidance stipulated the procedure that a local authority should follow in order to provide information for inclusion in the National Register and for the Authority to access the Register.

The National Register would be hosted by the National Anti-Fraud Network and information would be retained in the National Register for a period of 25 years as recommended in the Guidance.

If a search of the National Register resulted in a match with the applicant, or existing driver on renewal of a licence, the Authority would seek further information about the entry in the Register from the Authority that recorded that information. Any information received because of a Register search would only be used in respect of the specific licence application and would not be retained beyond the determination of that application.

Historic information concerning revocations and refusals of licences 7 years old and less would be added to the National Register. Before an individual's information was added to the National Register, the Authority would write to the individual whose information was recorded in the National Register stating that the information would be uploaded at a future date and informing the individual of the purpose of sharing that information and their legal right to object to the inclusion of their information in the National Register. The Authority would then consider any objections to their information being included in the Register.

New applicants and existing drivers seeking to renew their licences would be made aware of the National Register by details of the Register being included in the application forms completed by them. The application form would inform applicants that their information may be uploaded to the National Register if their application was refused, a licence renewal refused or their licence subsequently revoked.

On subscribing to the use of the National Register the Authority would be required to sign up to a Data Sharing and Data Processing Agreement with the National Anti-Fraud Network. The Authority would also be required to operate in accordance with a Data Protection Policy (appended to the report) that governed the circumstances in which the Authority would share information with other licensing authorities regarding a particular individual driver that appeared in the National Register. The Authority would need to satisfy itself that it had followed the appropriate processes in sharing this information with other licensing authorities.

Approval of the use of the National Register would require an amendment to the North Tyneside Hackney Carriage and Private Hire Licensing Policy to reflect the use of the National Register and new processes arising from it, including the sharing of data with the National Anti-Fraud Network and other licensing authorities.

Cabinet considered the following decision options: either to approve the recommendations as set out in paragraph 1.2 of the report, or alternatively, to not approve the recommendations.

Resolved that (1) the adoption by the Authority of the use of the National Register of Taxi Licence Revocations and Refusals developed by the Local Government Association and the National Anti-Fraud Network; and the sharing of information held by the Authority with the

National Anti-Fraud Network and other licensing authorities as appropriate for inclusion in the National Register, be approved;

(2) the Head of Environment, Housing and Leisure be authorised to amend the Hackney Carriage and Private Hire Licensing Policy to make reference to the use of, and contribution to, the National Register of Taxi Licence Revocations and Refusals as appropriate; and

(3) the Head of Environment Housing and Leisure be authorised to enter into an appropriate Data Sharing Agreement and Data Processing Agreement and any other documentation that may be required from time to time as part of the adoption of the use of the National Register of Taxi Licence Revocations and Refusals and the sharing of information by the Authority with the National Anti-Fraud Network and other licensing authorities as appropriate, following consultation with the Head of Law and Governance.

(Reason for decision: this will enable the Authority to undertake checks of a National Register to ascertain if individuals applying to the Authority for a hackney carriage or private hire driver's licence have been refused a licence by a licensing authority or have had a licence revoked by a licensing authority in England or Wales. Having this additional information will assist in deciding if such individuals are fit and proper persons to hold such licences and will be an additional means of ensuring the safety of the travelling public in the Borough.)

CAB73/19 Ten Year Plan for Waste

Cabinet considered a report which sought approval for a ten year plan for waste. The Authority had a statutory duty to collect and dispose of household waste arising within the borough. Annually it dealt with around 94,000 tonnes of waste material with an overall cost to the Authority of £11.339 million to collect, dispose of and treat.

In October 2013, Cabinet had adopted a Waste Strategy 2013-2030 with the overarching strategic aim to reduce waste and use it as a resource. Since then the average waste per household had reduced and more waste was being diverted away from landfill. Over 90% of waste material was either recycled or converted into energy and, following the introduction of alternate weekly household collections in August 2018, kerbside recycling was increasing.

The government had published its new strategy for waste in December 2018 and had stated its intention to introduce legislation aimed at creating a 'circular economy': minimising waste and using it as a resource. This would have a direct impact on local authorities.

Within North Tyneside, the number of households in the borough was set to grow in line with the housing requirement within the Local Plan, the Elected Mayor had outlined her ambition to create a borough free of single-use plastics and full Council had declared a Climate Emergency in July of this year. All of these drivers would have an impact on future waste management in the borough. The Authority therefore needed a plan to guide its approach for the remaining 10 years of its waste strategy, an action identified in Cabinet's budget proposals which formed part of the 2019-2023 Financial Planning and Budget process.

The ten-year plan for waste was appended to the report. It set out the strategic landscape for waste by describing the international, national and local drivers that were shaping the Authority's thinking. It then identified actions that the Authority would need to take in order to address the future challenges that were anticipated. This included a proposal to extend

the Authority's successful waste disposal contract arrangements over the medium-term to ensure that it had the required flexibility to secure the right decisions for the longer-term.

There was an action plan within the strategy to 2023 with a commitment to review it in 2019.

The Authority had made significant progress in delivering the strategic aims, and a summary of the key outcomes was set out in Table 1 in the report. Within the borough the Authority had supported the Young Mayor's campaign to increase the number of water refill stations and constructed a mobile water fountain for use at public events such as the 10km road race to reduce the single-use of bottles.

It was clear from the detail of what had been outlined in the report that a number of policy, legislative and contractual drivers had had to be taken into account, as outlined in the report. The report also set out the Authority's key actions as follows:

- Investigate and implement separate food waste collections;
- Upgrade its Household Waste Recycling Centre to meet changing customer needs;
- Commence new arrangements for materials recycling, waste disposal and treatment;
- Refresh its approach to waste awareness campaigns and initiatives to improve recycling and promote the latest thinking;
- Deliver the short, medium and long-term goals of its action plan to create a borough free of single-use plastics.

The expected key outcomes of those actions were also set out in the report.

Cabinet considered the following decision options: to accept the recommendations set out in paragraph 1.2 of the report, or alternatively, to not approve the recommendations.

Resolved that (1) the Authority's ten year plan for waste, attached as Appendix 1 to the report, be approved; and
(2) the Head of Environment, Housing and Leisure, in consultation with the Head of Law and Governance, Head of Resources, Cabinet Member for Finance and Resources and Cabinet Member for Environment and Transport, be authorised to conclude and enter into the necessary agreements to extend the residual waste contract with the current waste provider.

(Reasons for decision: Approval of the ten year plan for waste will clearly set out the Authority's approach to waste and meets Cabinet's budget proposals as part of the 2019-2023 Financial Planning and Budget Process to develop it. It also meets the commitment within the Authority's Waste Strategy 2013-2030 to review and update the action plan, which expires in 2023.)

CAB74/19 Climate Emergency Update

Cabinet considered a report which provided an update on the work undertaken since the declaration of a Climate Emergency, and the next steps to be taken to address the

commitments agreed by Council in July 2019.

The Climate Emergency declared by the Council set a target to reduce the carbon footprint of the Authority and the Borough by 50% by 2023 and to become carbon neutral by 2050. The Authority was clear in its commitment to tackling the Climate Emergency and had taken a number of immediate steps as detailed in paragraph 1.5.1 of the report.

The Authority's carbon footprint was made up of the power, heat and water used to run its operational buildings, the electricity used to power over 31,000 street lighting apparatus, the fuel used to operate over 400 fleet vehicles and the business related miles staff travelled in their own vehicles (not including commuting to and from work). The Borough's carbon footprint was made up of the power and heat used in the commercial, industrial and domestic buildings across the whole of the Borough, emissions from road and rail transport, and land use and forestation activities, which could result in either a release into or removal of emissions from the atmosphere.

To build on the Authority's track record of reducing carbon emissions and the actions it had already taken since the declaration of a Climate Emergency, the Authority was developing an action plan to identify carbon reduction projects that could be delivered across its own estate. In addition to this, the Authority was procuring external specialist support to develop the actions that could be taken across the Borough by the Authority, residents, businesses and land owners to tackle the Climate Emergency and this would form part of the action plan.

As part of the work programme associated with the declaration of the Climate Emergency, including the development and delivery of an action plan, it was considered appropriate to create a clear and accountable governance structure.

Cabinet was therefore asked to approve the establishment of a Climate Emergency Board which would shape the action plan that would be presented to Cabinet in the summer of 2020; receive regular updates on a number of workstreams; consider and advise on key issues as they emerged; and oversee performance and budget management. The Board would be co-chaired by the Head of Environment, Housing and Leisure and the Cabinet Member for Environment and Transport.

The action plan would address a number of cross-cutting themes within the Climate Emergency. These included a collective approach to environmental protection; improving energy efficiency in building stock; cleaning up (de-carbonising) the Authority's electricity supply, heat supply; and travel. Further details on each of the key elements of the action plan were set out in the report.

Although the disposal of waste did not form part of the Authority's or Borough's respective carbon footprints, it was nevertheless essential that the Authority continued to improve in this area as part of its long standing commitment to protecting the environment. The action plan would consider the introduction of carbon and natural capital impact targets, in line with the proposals contained in the Government's Resource and Waste Strategy. These specific proposals would be subject to a spring 2020 consultation by Government. The action plan would naturally be aligned to the Authority's Waste Strategy 2013-2030 and 10 Year Plan for Waste.

Promotion of the waste hierarchy was a key action, and the Authority would continue to

encourage residents to prevent, reuse, and recycle materials and would work with businesses to reduce the amount of commercial waste it generated within the borough.

Cabinet considered the following decision options: either to approve the recommendations as set out in paragraph 1.2 of the report, or alternatively, to not approve the recommendations.

Resolved that (1) the actions taken to date in response to the declaration of a Climate Emergency be noted;
(2) the cross-cutting themes that will form the basis of an action plan to tackle the Climate Emergency be noted;
(3) the Head of Environment, Housing and Leisure, in consultation with the Cabinet Member for Environment and Transport, be authorised to establish a Climate Emergency Board and set its terms of reference; and
(4) a further report and action plan be presented to Cabinet in the summer of 2020.

(Reasons for decision: this will support the delivery of the commitments made in the Climate Emergency report to Council of 25 July 2019.)

CAB75/19 Construction Project - Delivery and Benefits Realised

Cabinet received a report on the objectives achieved, lessons learned and the benefits realised through the transfer of maintenance and construction services back to the Authority following Cabinet's decision at its meeting on 27 September 2017.

In making this decision Cabinet had agreed a set of policy objectives which applied to all the construction needs of the Authority, as follows:

- Having taken a view on the delivery of the rest of the Authority's construction work, the majority of the requirement was about housing
- Value for money; and
- Flexibility

Over the past two years, a project team, overseen by a Steering Group consisting of the Cabinet Member for Housing, Cabinet Member for Finance and Resources and the Deputy Mayor and Senior Officers, had worked hard to develop and deliver the correct arrangements to directly deliver a repairs and maintenance and construction service to customers.

The transfer of services from Kier to North Tyneside Council had seen:

- Over 360 staff successfully transferred to the Authority on 1 April 2019, receiving initial induction training, and importantly their first pay cheques on time as Council employees
- A new ICT system solution had been procured, tested and implemented to manage the repairs and maintenance and construction business
- A new fleet of around 130 vehicles had been established; with a further 10 electric vehicles being piloted, contributing to the Authority's climate change targets
- New supply chain frameworks for suppliers and subcontractors had been put in place providing greater opportunities for smaller, local businesses to deliver work on behalf

of the Authority

- Staff welfare facilities at the Killingworth Depot site had been refurbished
- Appropriate Safety, Health and Environment frameworks implemented and gas and electric accreditations secured to ensure the service was compliant and that staff could be safely put to work; and
- Working with customers the service offer had been reviewed to ensure it met their needs.

Performance levels had continued to meet and, in some cases, exceed expectations despite all the changes resulting from the transfer of services.

There had also been a significant increase in investment in local businesses through the supply chain with the proportion of spend increasing from 12% to 29%. This upwards trend was expected to continue as the procurement strategy was further refined.

In establishing the service, a baseline budget for the 2019/20 financial year had been created. From the inception of the Construction Project in September 2017 through to the end of the 2019-20 financial year, it was forecast that total one-off savings of around £6m would be achieved.

In addition, it was forecasted that around £1.5m of permanent revenue savings and £1m of permanent capital savings per year would be recognised over the lifetime of the 30-year HRA Business Plan.

Taking into account the one-off savings, forecast revenue savings and forecast capital savings, savings of the best part of £80m should be achievable. This could be re-profiled and re-invested back into the service to meet Cabinet and tenant priorities.

Recognising these efficiencies had already allowed the Authority to:

- Increase the focus on sustaining rental income following the roll out of Universal Credit, employing additional staff to support tenants
- Further invest in tenant priorities, such as the empty homes standard, introducing property MOTs, and investing in pest control services
- Deliver new affordable homes towards the Mayoral target of delivering 3,000 new affordable homes in the Borough by 2024; and
- Further increase the Council new build budget to directly deliver more affordable homes than ever.

Mr D Bavaird, on behalf of the business sector, welcomed the report and the opportunity for local small and medium sized enterprises to bid for work.

The Elected Mayor and Cabinet Members in turn also thanked officers for their work done in successfully delivering the project.

Resolved that the report be noted.

Cabinet received a report seeking approval of an updated Covert Surveillance Policy. The draft Policy had been considered by the Regulation and Review Committee on 24 October 2019 and had been referred to Cabinet for further consideration and, if appropriate, approval. No substantive changes had been proposed as the previously adopted Policy remained fit for purpose. The aims of the Authority's Policy were to:

- Set out the Authority's arrangements for complying with the Regulation of Investigatory Powers Act 2000 (RIPA); the relevant Codes of Practice and guidance issued by the Home Office; and guidance from the Investigatory Powers Commissioner's Office (IPCO);
- Give effect to the rights of citizens to respect for their private and family lives (pursuant to the Human Rights Act 1998); and
- Protect the Authority from legal challenge when undertaking surveillance.

The report detailed recent developments in the law relating to surveillance and in particular in relation to the use of social media, such as Facebook, to monitor the activities of individuals who were the subject of investigation. Information had been provided to Heads of Service to raise awareness of the requirements of the law in relation to surveillance and to prompt feedback in relation to potential surveillance that did not come within the statutory framework for covert surveillance.

The Codes of Practice applying to RIPA indicated that elected members of a local authority should review its use of RIPA and set the general surveillance policy at least annually. A local authority should also consider internal reports on the use of RIPA to ensure that it was being used consistently in compliance with the Authority's Policy and that the Policy remained fit for purpose.

To meet these requirements the Policy Statement provided that:

- Cabinet receives an annual report covering the Authority's use of RIPA powers, and review of the Policy for the following year;
- Reports would be presented to the Regulation and Review Committee on the Authority's use of RIPA powers. The Committee's role would be to look at compliance, oversight and use of RIPA. The Committee would also consider whether the Policy remained fit for purpose and recommend changes to the Policy as appropriate for Cabinet's consideration; and
- The Elected Mayor would receive regular updates from the Senior Responsible Officer regarding the use of the Authority's powers.

It was noted that there had been no RIPA authorisations granted in the last year.

Cabinet considered the following decision options: To approve the Authority's Policy on Covert Surveillance, attached as Appendix 1 to the report, and review and note the use of surveillance by the Authority in the preceding year, or alternatively, to ask officers to revise the draft Policy and/or provide additional information regarding any matters contained in the report.

Resolved that (1) the Authority's Policy on Covert Surveillance, attached at Appendix 1 to the report, be approved; and
(2) the use of surveillance by the Authority in the preceding year be noted.

Reason for decision: Approving the Authority's Policy on Covert Surveillance will secure adherence to the recommended best practice contained within the Codes of Practice. In particular, the Code of Practice – Covert Surveillance and Property Interference indicates that elected members should review the Authority's use of Part II of the Regulation of Investigatory Powers Act 2000 and set the policy at least once a year.)

CAB77/19 Integrated Sexual Health Service Procurement 2020-21

Cabinet considered a report which sought approval to undertake a procurement exercise for Integrated Sexual Health Services in North Tyneside.

North Tyneside Council had a statutory duty to improve the health of the population and to provide local public health services, including the provision of comprehensive open access sexual health services.

The current contract for the open access sexual health service in North Tyneside was held by Northumbria Healthcare NHS Foundation Trust and was due to expire on 31 March 2021. In line with the Authority's Procurement Strategy consideration must be given to whether any part of the service could be directly delivered by the Authority. There was no evidence of any local authority in England in-sourcing a sexual health service. This was likely to be due to the highly specialist and clinical nature of the service.

The procurement would be guided by a detailed phased project plan. A brief outline of the plan was set out in the report.

A Procurement Steering Group would be convened with representatives from the Authority, Clinical Commissioning Group and National Health Service England to enable a whole system review of sexual health services for residents in North Tyneside and to facilitate more collaborative approaches to commissioning.

A detailed Needs Assessment was currently being carried out. It was anticipated that this would be concluded by December 2019 and would form the basis of a comprehensive consultation exercise planned for January – March 2020.

Cabinet considered the following decision options: either to agree the recommendations as set out in paragraph 1.2 of the report, or alternatively to disagree with the proposals.

Resolved that the Director of Public Health, in consultation with the Head of Health, Education, Care and Safeguarding, Head of Commissioning and Asset Management, Head of Resources, Head of Law and Governance and the Cabinet Members for Public Health and Wellbeing and Finance and Resources, be authorised to:

- (a) undertake a procurement exercise for Sexual Health Services in North Tyneside to identify a provider(s); and
- (b) appoint and award following the procurement exercise, a contract for the provision of a Sexual Health Service across the borough for an initial contract period of 36 months, with an option to extend for a further two 12 months periods.

(Reasons for decision: in order to continue to provide and improve a model of integrated sexual health services that is based on expressed local need and evidence of effectiveness, also ensuring best value for the Authority.

Local Authorities have a duty to reduce health inequalities and improve the health of their local population, including the provision of open access sexual health services. If approved, the Authority will be able to commence a procurement exercise to appoint a replacement provider when the current contract expires on 31 March 2020, allow for a comprehensive consultation exercise to be carried out and provide a sufficient transition period. This length of contract is designed to encourage interest from a wide range of organisations and to provide financial sustainability to the successful provider who will be expected to act as a strategic lead for sexual health services in the Borough.

If the preferred option is not approved, the Authority will be unable to undertake the proposed procurement exercise and will be unable to meet its obligations under the Health and Social Care Act 2012.)

CAB78/19 Council Tax Empty Homes Premium

Cabinet received a report on the outcome of the consultation undertaken, as approved by Cabinet on 14 October 2019, regarding options to consider for the potential to introduce a Council Tax Empty Homes Premium from 1 April 2020.

The National Landlords Association had responded by stating that as many councils had already implemented this strategy, they could not object to a policy which was reasonable. If the person was not making efforts to get the property back into use, they were not acting as a responsible landlord, a two-year window was reasonable.

One caveat would be if the landlord had done all in their power to provide a property which was fit for letting and the property remained empty due to environmental factors i.e. the property was in an area suffering from criminal activity or anti-social behaviour and therefore there was no demand for property from any suitable tenants then perhaps the Authority could work with the landlord to find a solution, and take these factors into account regarding Council Tax.

The environmental issue raised by the National Landlords Association had also been highlighted by a local landlord who had asked that the government guidance on this issue was expressly noted in any Council decision in relation to the empty home premium. The guidance stated that any owner of a property that had been empty in excess of two years who could demonstrate that the property was actively being marketed for sale or for rent at a reasonable level meant that their property could be exempted from the Council Tax empty home premium.

From the Community and Voluntary Sector the Director of North Tyneside Citizens Advice had commented that they agreed with the proposals to introduce Council Tax premiums and the objective of minimising empty properties.

The question posed in the on-line consultation engagement portal was: 'Please indicate whether you agree or disagree with the proposal to introduce Council Tax premiums in order to discourage owners from leaving properties empty for long periods, in excess of two years'.

33 responses (67%) agreed with the proposal to introduce Council Tax premiums; zero responses (0%) neither agreed or disagreed with the proposal; and 16 responses (33%)

disagreed with the proposal to introduce Council Tax premiums.

Cabinet considered the following decision options:

Option 1 - Based on the outcome of the consultation, to make a recommendation to Council at its meeting on 20 January 2020, to determine that the Council Tax empty homes premium set out below will apply across the Borough.

- a) From 1 April 2020 charge a 100% Council Tax premium for properties that have been empty for more than two years;
- b) From 1 April 2020 charge a 200% premium on those properties which have been empty for five years or more;
- c) From 1 April 2021 charge a 300% premium on those properties which have been empty for ten years or more.

In line with Government recommendation agree that owners of properties that could demonstrate that the property was actively being marketed for sale or rent at a reasonable level were exempt from the premium on that property.

Option 2 - reject Option 1 and ask that the Service consider an alternative approach.

Resolved that (1) the responses to the consultation exercise be noted; and (2) Full Council be invited to determine that, with effect from 1 April 2020 and 1 April 2021, the Council Tax empty homes premiums as set out in Option 1 of paragraph 1.6 of the report will apply across the Borough.

(Reason for decision: Consultation responses from the National Landlords Association and the Community and Voluntary Sector are in favour of the introduction of Council Tax premiums. The request to ensure Government guidelines are followed to protect owners who are doing everything in their power and actively trying to sell or let the property is noted and proposed as part of the recommendation.

The potential to incentivise owners of long-term empty properties to bring them back into use should prove positive for those groups more likely to experience housing issues such as younger people, single men and women and single parent families. This proposal may lead to positive impacts in relation to the Authority's approach to housing and homelessness.)

CAB79/19 Whitley Bay Crematorium and Cemetery upgrade

Cabinet considered a report which sought approval to commence a procurement exercise in supporting the upgrade and refurbishment of Whitley Bay Cemetery and Crematorium.

The Authority operated two crematoria in the Borough (Tynemouth and Whitley Bay). Both carried out around 1,000 cremations per annum. Following the completion of the upgrade at Tynemouth Crematorium in 2015 an improvement plan for Whitley Bay had been considered. The cremators at Whitley Bay were approaching the end of their economic life and it was considered best practice that any replacement cremators were mercury abatement compliant.

The two cremators at Whitley Bay had been fully commissioned in January 2000. They

were nearly 20 years old and used outdated technology with no mercury abatement in place. Historically, Tynemouth Crematorium carried out the most cremations, however, over the past few years demand for both Crematoriums had become similar. This was largely due to residents from outside of the Borough choosing to use Whitley Bay.

Details of the design and procurement upgrade at Whitley Bay Crematorium were outlined in the report. The Authority would be able to maintain a cremation service at Tynemouth Crematorium during the period of time that Whitley Bay Crematorium was closed for refurbishment. Funeral Directors would liaise directly with families, so they were aware of the alternative options available in respect of the cremation service.

A competitive tendering exercise would be carried out for the provider of the cremation equipment. The overall programme of works was proposed to take place in the financial year 2020/2021 and was scheduled to take 26 weeks.

The Elected Mayor thanked all those involved in supporting this important upgrade.

Cabinet considered the following decision options: Option 1: to approve the recommendations set out in paragraph 1.2 to upgrade Whitley Bay Cemetery and Crematorium including the installation of one larger size fully mercury abated cremator and commence a procurement.

Option 2: to not approve the recommendations and continue to run the cremators with no improvements and defer a decision to later a date.

Resolved that (1) the upgrade and refurbishment and the provision of a new cremator at Whitley Bay Cemetery and Crematorium be agreed subject to approval of the budget by Full Council; and

(2) the Head of Environment, Housing and Leisure, in consultation with the Cabinet Member for Environment and Transport, Head of Resources and Head of Law and Governance, be authorised to commence a procurement and, subject to budget approval, award a contract to the bidder who represents the most economically advantageous tender.

(Reasons for decision: the Authority, as the Cremation Authority, is required in accordance with the Cremation Acts of 1902 and 1952 and the Cremation (England and Wales) Regulations 2008 to ensure that crematoria are maintained and in good working order.

The cremators are coming to the end of their useful life and becoming more difficult to repair. Not only will on-going maintenance costs increase but there is also a high risk of breakdowns. Unplanned repairs would cause operational difficulties and potential distress for bereaved families.

If DEFRA increase the target for reducing the amount of mercury emitted into the atmosphere to 100%, the Authority would not be able to continue operating the current cremators. The average number of cremations carried out at Whitley Bay Crematorium over the last three years was 1,015 per annum, 30% of these services were from outside the Borough. The average out of Borough income equates to £225,000 per annum so there is a risk of losing potential future income as not all custom would transfer to Tynemouth.)

CAB80/19 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 3 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act.

CAB81/19 Corporate Risk Management Summary Report

Cabinet considered a report which detailed the corporate risks that had been identified for monitoring and management by the Authority's Senior Leadership Team and relevant Cabinet members. The report also provided detailed information on each risk and how it was being managed.

Cabinet considered the following decision options: To consider the information provided for each of the corporate risks and endorse the outcome of the latest review by the Authority's Senior Leadership Team; and after consideration of the detailed information provided for the corporate risks, suggest changes to the corporate risks and their controls.

Resolved that the latest review of key corporate risks undertaken by the Senior Leadership Team be endorsed.

(Reasons for decision: Each of the corporate risks has undergone substantial review and challenge as part of the corporate risk management process. This is designed to provide assurance that corporate risks and opportunities are being identified and appropriately managed.)

CAB82/19 Date and Time of Next Meeting

Monday 20 January 2020 at 6.00pm

Minutes published on Thursday 28 November 2019.

Unless called in by 3 Non-Executive Members for consideration by the Overview, Scrutiny and Policy Development Committee, the decisions contained within these Minutes may be implemented immediately following the expiry of the call-in period; i.e. 5.00pm on Thursday 5 December 2019.