

Cabinet

Monday, 29 July 2019

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

In Attendance: A Ferris (Young Mayor)
P Hilier (Voluntary and Community Sector)
R Layton (North Tyneside Joint Trade Union Committee)
Y Probert (Age UK)
T Bridges (Business Representative)

Apologies: Councillor C Burdis and D McNally (Age UK)

CAB24/19 To Receive any Declarations of Interest and Notification of any Dispensations Granted

Councillor S Cox declared a registerable personal interest in item 6(a) ESF funding to facilitate steps into employment for residents aged 29 and over as he was employed by Tyne Met College.

No dispensations were reported.

CAB25/19 Minutes

Resolved that the Minutes of the previous meeting held on 24 June 2019 be confirmed and signed by the Chair.

CAB26/19 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:

- Female Youth Councillors had attended the women in engineering event at Quadrant.
- The Young Mayor, Youth Councillors and Children's Councillors had taken part in a clean up at the Silverlink Bio Diversity Park;
- A number of Youth Councillors had taken part in a second Equality and Diversity training session.
- Young Cabinet Member Abbie Armstrong had led the Young People and Knife Crime summit for professionals. Another event for young people was due to take place later in the year during SAFE week.
- Youth Councillors had worked with the Environment Agency to create a story board for the flood resistance video. A second session had been arranged to develop the plan further then recording would begin.
- The Young Mayor's Music Festival Soundfest 2019 held at the Plaza outside of the Spanish City Dome had been successful with a large turnout of people. The winning band After Party had played on the big stage at the Mouth of the Tyne Festival.
- A new Youth Forum had been set up for young people with a Special Educational Need or

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Disability (SEND) to look at issues that affected their daily lives. The group was represented on the Youth Council and some of the group had taken part in the clean up at the Silverlink Bio Diversity and helped at Soundfest.

- The Regional Children in Care Council had met last week to plan the November conference and the Children in Care Ambassadors had met with 12 Directors of Children's Services.

The Elected Mayor thanked the Young Mayor for the report.

CAB27/19 2019/20 Financial Management Report to 31 May 2019 (All Wards)

Cabinet considered the first monitoring report outlining the 2019/20 financial position. It provided an early indication of the potential 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; an update on the Capital Investment Plan including details of variations and reprogramming that were recommended for approval.

The budget for 2019/20 had been approved by full Council at its meeting on the 21 February 2019. The net General Fund revenue budget was set at £155.730m. This included £10.533m of savings to be achieved (£6.875m relating to 2019/20).

The forecast overall pressure for the General Fund Revenue Account was estimated at £5.263m against an approved net budget of £155.730m. This was driven mainly by continued pressure in Health, Education, Care & Safeguarding reflecting the continued pressures in Children's Services of £3.083m and Adult Services of £2.528m, partly mitigated by the contingency balances that had been created as part of the 2018/19 Budget setting process and were held centrally to reflect the on-going pressures in social care being felt locally and nationally.

Included in this projection was £2.572m of pressures in Corporate Parenting and Placements, £1.741m in Wellbeing and Assessment, and £0.791m in Disability and Mental Health. The drivers for these pressures continued from 2018/19, as outlined in the report.

The other main movement from the initial outlook was £0.730m in Environment, Housing and Leisure. The Service was still expecting to be able to manage pressures of £1.378m by year-end but the monitoring reflected the fact that some of the management actions were still being formulated and as such a prudent approach had been taken at an early stage of the financial year.

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 report outlined the revenue grants which had been received during April and May 2019.

Schools were required to submit their rolling three-year budget plan by 31 May each year.

The total planned deficit for 2019/20 was £5.045m. As well as school balances reducing overall, some schools continued to face significant financial challenges. There were nine schools with approved deficits in 2018/19 and five of these schools 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. There had been a rise in demand for special school places and the Authority was planning for places at the end of 2019/20 to total approximately 762, compared to 664 places at the beginning of 2018/19.

The Housing Revenue Account (HRA) was forecast to have year-end balances at 31 March 2020 of £5.087m, which was £1.216m 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 but there was also an in-year estimated underspend of £0.115m, against an in-year budget of £2.331m, due to additional income of £0.061m combined with reduction to expenditure of £0.054m.

As of June 2019, 2,284 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 2019-2023 Investment Plan, as adjusted for proposed reprogramming, totalled £199.127m (£73.326m 2019/20) and was detailed in the Annex. The Annex to the report also set out the delivery progress to date, planned delivery for 2019/20, reprogramming and other variations identified through the Investment Programme Governance process.

The report also outlined progress against the 2018-2020 Our North Tyneside Plan which set out the overall vision and policy context within which the Financial Plan and Budget were set.

The Authority had plans in place to deliver all elements of the Council Plan and performance against these plans was carefully monitored. The area under most financial pressure was Health, Education, Care and Safeguarding.

In Adult Social Care, as with most local authorities, and in line with the national picture, North Tyneside had seen costs continue to rise. Although the number of adults supported remained relatively stable, their individual needs had increased due to living longer with multiple complex conditions. Supporting those needs required more intensive packages of care which were more expensive to provide. In addition to older people, younger adults with learning disabilities and physical disabilities were also living longer, often with multiple complex issues.

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 LAC

levels, whilst fluctuating, were on average, remaining constant but there were a wide range of levels of care provided, with more complex cases now being faced.

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

Resolved that (1) the forecast budget monitoring position for the General Fund, Schools' Finances and Housing Revenue Account as at 31 May 2019, as set out in the Annex to the report, be noted;

(2) the receipt of £0.352m new revenue grants be approved;

(3) the Authority's Investment Plan spend of £2.283m to 31 May 2019 and the financing of the Plan to the end of the year, as set out in the Annex to the report, be noted; and

(4) the variations of £4.531m and reprogramming of £8.106m for 2019-20 within the 2019 - 2023 Investment Plan, as set out in the Annex to the report, be approved.

(Reasons 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.)

CAB28/19 Education in North Tyneside (All Wards)

Cabinet received an update report on education provision in North Tyneside.

Cabinet was assured that the absolute focus of everyone involved was what mattered most to children, young people, their families and carers. North Tyneside had an education system to be proud of. A strong performer regionally and nationally, with 84.4% of children attending a good or outstanding school with most families getting a much better choice of schools. This was a reflection of the hard work done by Head Teachers and their teams, governing bodies, Elected Members, Authority staff and children and young people.

Education in England continued to change. This was the second year of the National Funding Formula which had been introduced in 2018/19 and the Fostering and Adoption Act passed in 2016 provided the Secretary of State with a power to convert schools judged as Inadequate or "Coasting" to academy status. In November 2016 the Government had published a Green Paper, "Schools that work for everyone." While the policy intention of the Green Paper was to use incentives to encourage private schools, universities, selective schools and Faith schools to provide more good school places, the headlines focussed on a suggestion that selection would return and grammar schools expanded.

Working with Chairs of Governing Bodies and Head Teachers, the Authority had responded to the consultation in December 2016. The Government had finally published its response in May 2017. However, there were no plans for an education bill in this parliamentary session. Recent announcements had included a simpler accountability system in which the Department for Education would only intervene if Ofsted judged a school's performance as Inadequate, the pilot sites for T Levels and for the new Institutes of Technology.

The report gave details of the following:

- An update on the recommendations of the Education Review carried out between October 2014 and January 2015, and progress since it had last been considered by Cabinet

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in July 2018;

- A summary of the issues for North Tyneside implied by the current position and the national context;
- An updated proposal for how the Authority, Head Teachers, governing bodies and other partners would work together on the key priority issues - there remained a clear focus on financial review, analysis and planning, keeping children and young people in school and closing the gap in attainment between the most and least deprived children and young people along with special educational needs and disability provision and resources;
- The proposed approach to the North of Tyne Devolution Deal Education Challenge developed in partnership with the North of Tyne Authorities, Head Teachers and other school leaders.

The Cabinet Member for Children, Young People and Learning responded to a request by Mr Layton, on behalf of the Trades Unions, by asking officers to provide a copy of the Authority's response to the 2016 Government Green Paper on "Schools that work for everyone".

The Elected Mayor paid tribute to all involved in working to provide the best possible education for North Tyneside and thanked staff for their work, in particular for the continued improvement in the School Estate.

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

Resolved that (1) progress on the recommendations of the Education Review be noted; (2) the improved position between April 2014 and June 2019 be noted; (3) the continued financial challenges faced by schools and the joint work to deal with those challenges be noted; (4) the next set of priorities which will be important to the Authority and schools be agreed; (5) the approach being taken to work with schools be agreed; (6) the work undertaken with schools in relation to SEND provision be noted; and a pre-publication consultation with schools, parents and other interested parties in relation to the amendment of the structure of provision for pupils with Special Educational Needs be agreed; (7) the support for the work of the North of Tyne Education Challenge be agreed; and (8) the receipt of further reports as required be agreed.

(Reasons for decision: It reflects the recommendations agreed by Cabinet as part of the Education Review and the work done with the Elected Mayor, Cabinet Member, Head Teachers and Chairs of Governing Bodies.)

CAB29/19 Annual Equality and Diversity Review (All Wards)

Cabinet received a report which presented the 2018/19 Annual Equality and Diversity Review.

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The Public Sector Equality Duty of the 2010 Equality Act required the Authority to publish information on an annual basis in relation to people with protected characteristics who were employees or were affected by its policies and practices; and at least once every four years the equality objectives it thought it should achieve to meet the general equality duty.

The Authority achieved these duties through the publication of its Equality and Diversity Review every June.

The 2018/19 Annual Review outlined the Authority's progress against its Corporate Equality Objectives and service area equality actions; thereby contributing to the monitoring of the Authority's Equality and Diversity Policy commitments.

The 2018/19 Annual Review:

- Outlined the Authority's equality highlights for 2018/19;
- Provided a final review of performance against the 2016-19 Corporate Equality Objectives;
- Described initial progress against the new Corporate Equality Objectives agreed by Cabinet in January 2019 and implemented from April 2019;
- Identified service area equality priorities for 2019/20 (drawing on actions identified within service plans to support the achievement of the new Corporate Equality Objectives);
- Gave an overview of employee equality data; and
- Reviewed performance against service area equality actions during 2018/19.

A draft of the review had been circulated for comment to a range of external stakeholders, as outlined in the report. Internally feedback had been sought from members of the Corporate Equality Group, Senior Leadership Team and the Deputy Mayor.

Six responses had been received to this consultation and minor amendments had been made to produce the final review document.

A copy of the 2018/19 Annual Equality and Diversity Review was appended to the report.

In accordance with the Equality and Diversity Policy governance arrangements, Cabinet would receive a further update on progress against the Authority's Equality Objectives in December 2019.

In response to a query by Mr Layton, on the behalf of the Trades Unions, the Deputy Mayor agreed to ask officers to inform him whether the Islamic Society had been included in the consultation as part of the review.

Resolved that the findings of the 2018/19 Annual Equality and Diversity Review, attached at Appendix 1 of the report, be noted.

CAB30/19 Housing Services Domestic Abuse Policy (All Wards)

Cabinet received a report which sought approval for the draft Housing Services Domestic Abuse Policy.

Housing Services' current Domestic Abuse Policy was part of the Authority's Anti-Social Behaviour Policy. Housing Services were aiming to achieve accreditation from the

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Domestic Abuse Housing Alliance (DAHA) in the autumn of 2019. One of the DAHA's national service standards related to policies and procedures and required housing organisations to create a 'stand alone' Domestic Abuse Policy.

In March 2016 the Government had published the new Ending Violence Against Women and Girls Strategy (VAWG). The strategy committed to ongoing reductions in the prevalence of domestic abuse by:

- Breaking the intergenerational cycle of abuse
- Giving greater attention to the risk of becoming a perpetrator
- Challenging attitudes and beliefs about abuse
- Improving awareness among children and young people about healthy relationships

The DAHA was a partnership between three agencies i) Standing Together Standing Against Domestic Abuse; ii) Peabody; and iii) Gentoo. These three agencies had a longstanding commitment to tackling domestic abuse and promoting best practice. The DAHA's mission was to improve the housing sector's approach to domestic abuse through the established set of eight national domestic abuse service standards, which brought together best practice in responding to domestic abuse in the housing sector.

The housing service had also signed the Make a Stand pledge. This pledge had been developed by the Chartered Institute of Housing in partnership with Women's Aid and the DAHA and had been created to encourage housing organisations to make a commitment to support people experiencing domestic abuse. Number one, out of the four commitments under the pledge, was to put in place and embed a policy to support residents who were affected by domestic abuse.

The proposed Policy, attached at Appendix 1 to the report, aimed to ensure the Authority's customers should not live in fear of violence, abuse or harassment from a partner, former partner or any member their family. Anyone reporting domestic abuse to the Authority would be treated in a sympathetic, supportive and non-judgemental way. Any disclosure of abuse would be taken seriously and advice and assistance given to support victims. The service would take action against perpetrators of domestic abuse where it was safe and appropriate to do so. In addition, the service would assist perpetrators who wished to positively change their behaviour by helping them access advice and support. The aims of the housing service were set out in the report.

The Elected Mayor thanked staff for their work done around the Housing Services Domestic Abuse Policy.

Cabinet considered the following decision options: to approve the Housing Services Domestic Abuse Policy as set out in the recommendations at paragraph 1.2 of the report, or alternatively, to approve the recommendations subject to amendments, or reject the recommendations and request officers to consider the Authority's response to this matter further.

Resolved that the Housing Services Domestic Abuse Policy, as set out in Appendix 1 to the report, be approved.

(Reasons for decision: Housing Service's Domestic Abuse Policy currently forms part of the

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Anti-Social Behaviour Policy. The housing service is aiming to achieve accreditation from the Domestic Abuse Housing Alliance, which requires housing organisations to create a 'stand alone' Domestic Abuse Policy.

The housing service has also signed the Make a Stand pledge which requires the service to put in place and embed a policy to support residents who are affected by domestic abuse.

The policy has been developed in accordance with good practice guidelines and the Domestic Abuse Housing Alliance's eight national service standards. It sets out how the Authority's Housing Service will assist and support any person experiencing or threatened with domestic abuse. The policy has been produced in consultation with tenants, residents and stakeholders.)

CAB31/19 Adoption of Coastal Mitigation Supplementary Planning Document (All Wards)

Cabinet received a report which outlined a proposed Coastal Mitigation Supplementary Planning Document (SPD) for adoption to inform the consideration of planning applications for development.

Following approval on 1 May 2019 to publish a Draft Coastal Mitigation SPD, public engagement with a range of key stakeholders had taken place between 16 May and 1 July 2019. The feedback received from this consultation had been considered to help prepare the proposed SPD.

This Draft SPD supplemented the implementation of the Local Plan and provided additional guidance and information on the mitigation expected to be required from development within North Tyneside to prevent adverse effects on internationally designated sites. International sites of relevance to North Tyneside were locations on the north east coast that provided important habitat for protected bird species and important geological features. These locations were the Northumbria Coast Special Protection Area (SPA), which extended along the coastline between the Tweed and Tees Estuaries and included the rocky foreshore at Browns Point, St Marys and the mouth of the Tyne; and the Durham Coast Special Area of Conservation (SAC) which extended from Blackhall Rocks to Trow Rocks, south of the Tyne. Given their location, both designations could experience increased disturbance from visitors associated with new development in this Borough.

The Authority had a duty under the Conservation of Habitats and Species Regulations 2017 to ensure that it did not give consent, such as through a planning application, to any plan or project that could have an adverse effect upon the integrity of an SPA or SAC. Evidence prepared to inform development of the Local Plan established that any development that potentially increased the number of visitors to the coast, such as new homes or visitor accommodation, could have a potential adverse effect upon European sites.

The SPD proposed coastal mitigation in the form of a warden service funded by developer contributions secured as planning obligations. The wardens would undertake survey and monitoring work to gain further understanding of the impact of increased visitors and would identify appropriate works to mitigate the impacts identified. This could include the installation of fencing, provision of new footpaths, or other awareness raising initiatives.

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The SPD proposed a tariff based approach to contributions for new residential and tourist development. The tariff was set higher for development within 6km of the coast, from where evidence showed the highest number of visits were generated. Rates had been set at a level to provide sufficient income to employ equipped wardens and cover estimated project costs during the Local Plan period to 2032 based on the number of new homes expected to be built in this period.

Payment was not mandatory but was an alternative to developers offering scheme specific mitigation where it could be difficult to predict specific impacts and provide mitigation at a strategic level. The proposed approach followed the advice of Natural England and steps already taken by some neighbouring authorities. For other types of development, developers would need to consider mitigation on a scheme specific basis.

It was planned to review the SPD annually, in the context of monitoring information showing the condition of the designated areas and the extent and impact of disturbance on them, to ensure the level of contributions remained fair and reasonable. A steering group was proposed to ensure joint working with Northumberland County Council and Natural England.

The SPD had undergone a process of engagement, the outcomes of which and responses to, were appended to the report.

The Elected Mayor welcomed the report and associated work around the adoption of the Coastal Mitigation SPD.

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 responses received to the engagement on the draft Coastal Mitigation Supplementary Planning Document (SPD) be noted;
(2) the adoption of the proposed Coastal Mitigation SPD be approved.

(Reasons for decision: The adoption of an SPD will allow for the Authority to fulfil the requirements of international and national legislation, and local and national planning policy, ensuring that adverse effects upon European Sites are avoided.

A failure to introduce the strategy risks the Authority being unable to demonstrate that the impacts of development on European Sites are mitigated. This would potentially render the approval of development in the Borough through the grant of planning permission unlawful.)

CAB32/19 Stairlift, Through Floor Lifts, Step Lifts & Ceiling Track Term Contract 2020-23 (All Wards)

Cabinet received a report which sought approval for the Authority to undertake a procurement exercise in order to appoint a preferred provider to install and maintain stairlifts, through floor lifts, step lifts and ceiling track hoists in domestic properties.

The Care Act 2014 set out a range of duties and responsibilities on the Authority in relation to this matter and defined 'eligibility criteria' for care and support. Section 13 of the Act included a duty for the Authority to determine whether an individual's needs met the eligibility criteria under the Act. Once the Authority had determined that they did, Section 18

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of the Act imposes an obligation on the Authority to meet that individual's needs for care and support.

In order to contribute towards the fulfilment of its duty, the Authority had a contract with an external contractor for the installation and maintenance of stairlifts, through floor lifts, step lifts and ceiling track hoists in domestic properties. This contract had been awarded on 1 April 2016 and expired on 31 March 2020.

The contract was not tenure specific meaning that it covered installations for Council housing tenants and, through the Disabled Facilities Grant process, included non-Council tenants and owner occupiers.

The Authority maximised resources where it could by removing and re-cycling installations when they were no longer required. All of the installations were serviced in accordance with statutory requirements and breakdowns were responded to in accordance with agreed timescales.

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 the Head of Health, Education, Care and Safeguarding, in consultation with the Head of Law and Governance, the Head of Resources and the Cabinet Member for Adult Social Care be authorised, to:

- (1) undertake a procurement exercise compliant with the Public Contract Regulations 2015 in order to identify a preferred provider for the installation and maintenance of stairlifts, through floor lifts, step lifts and ceiling track hoists in domestic properties; and
- (2) award a contract for the installation and maintenance of stairlifts, through floor lifts, step lifts and ceiling track hoists in domestic properties for a period of three years, commencing April 2020 with an option to extend for one year, on the basis of the most economically advantageous tender.

(Reasons for decision: The Authority has a statutory obligation to meet the care and support needs to those individuals within the Borough that meet the various eligibility criteria as defined by the Care Act 2014. The procurement exercise and ultimate contract award aims to ensure continuity of service provision so to enable the Authority to award a contract for the provision of this service when the current contract comes to an end on 31 March 2020. This will ensure continuity of statutory provision and is the best way of achieving best value for money for the Authority.)

CAB33/19 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 1 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 Paragraphs 3 of Part 1 of Schedule 12A to the Act.

CAB34/19 European Social Funding to facilitate steps into employment for Residents aged 29 and over (All Wards)

(Note: Councillor S Cox withdrew from the meeting prior to the consideration of this item.)

Cabinet received a report which sought approval to accept funding that would result in a project over 3 years that would support at least 600 residents aged 29 and over along a journey into employment / self-employment, with at least 154 individuals into employment by the end of the 3 year project. The project helped to deliver the Employment and Skills Strategy agreed by Cabinet in January 2017, and would be delivered by a consortium of community and voluntary sector organisations with the Authority acting as the Accountable Body.

Cabinet considered the following decision options: to agree the recommendations outlined in section 1.2 of the report to accept the offer of ESF funding and delegate authority to deliver the project as set out in the report; or alternatively, not to accept the offer of grant funding.

Resolved that (1) the Head of Resources be authorised to accept the offer of the grant of ESF funding, as detailed in the report, subject to agreement in the form of a funding agreement with Department for Work and Pensions as the Managing Authority on terms approved by the Head of Law and Governance; and (2) the Head of Commissioning and Asset Management, in consultation with the Cabinet Member for Community Safety and Engagement, Cabinet Member for Adult Social Care, the Deputy Mayor, Head of Resources and Head of Law and Governance, be authorised to take all necessary steps to complete the grant funding agreement.

(Reasons for decision: The funding will support a project to build capacity across the community and voluntary sector and enable adults over the age of 29 with complex needs that require additional support to progress along a journey into employment.)

CAB35/19 Date and Time of Next Meeting

Monday 9 September 2019 at 6.00pm

Minutes published on Thursday 1 August 2019.

The decisions contained within these Minutes may be implemented (unless called in by 3 Non-Executive Members for consideration by the Overview, Scrutiny and Policy Development Committee) immediately following the expiry of the call-in period; i.e. 5.00pm on Thursday 8 August 2019.