

Cabinet

Monday, 24 June 2019

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

In Attendance: K Walker (Young Deputy Mayor)
R Fry (Voluntary and Community Sector)
D Hodgson (Business Representative)
R Layton (North Tyneside Joint Trade Union Committee)
D McNally (Age UK)

Apologies: N Redfearn (Elected Mayor)

CAB15/19 To Receive any Declarations of Interest and Notification of any Dispensations Granted

No declarations of interest or dispensations were reported.

CAB16/19 Minutes

Resolved that the Minutes of the previous meeting held on 28 May 2019 be confirmed and signed by the Chair.

CAB17/19 Report of the Young Mayor

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

- The Young Mayor and he had attended the Phoenix Detached Youth Project's Annual Meeting.
- Youth Councillors had taken part in the Corporate Peer review with other young representatives, including the Young Ambassador, representing children in care.
- The Anti-bullying working group was planning two big events including a Creative Writing and Poetry Competition building on the success of last year, and an Equality and Diversity Conference which High School students year 7s and 8s would be invited to attend.
- The chosen headlining act at the Soundfest music festival outside the Spanish City Dome on Saturday 6 July was Channy Thompson, with 10 acts competing to win the prize of performing at the Mouth of the Tyne Festival the following week. Sponsorship from local businesses and donations of prizes were being sought.
- The Environment group had received a visit from the Environment Agency staff to discuss the making of a film about flooding. The film would be made with neighbouring local authorities' flood ambassadors.

The Deputy Mayor thanked the Young Deputy Mayor for the report.

CAB18/19 Low Carbon Plan Performance Update (All Wards)

Cabinet considered a report on the progress made to date in delivering the North Tyneside Low Carbon Plan 2016-2027, adopted by Cabinet on 14 March 2016, which set out an ambitious target to reduce the carbon footprint of the Authority and the Borough of North Tyneside by 50% by 2027. It sought to continue the Authority's successful track record of reducing carbon emissions and protecting the environment.

The Authority had submitted an annual performance report to the Department for Business, Energy and Industrial Strategy (BEIS) that detailed the year on year measurement of the Authority's carbon footprint. This was also published on the Authority's website and was attached as Appendix 1 to the report.

At the end of 2017/18, the Authority's carbon footprint had decreased by 39% since the baseline year of 2010/11. The 2018/19 report would be available in July 2019 and was anticipated to show a 47% reduction of the Authority's carbon footprint. Given this current and projected performance, it was highly likely that the Authority would achieve the 50% reduction target in advance of the 2027 target date.

An annual report was provided to the Authority by BEIS detailing the carbon footprint of the Borough. The most recent report showed that between the baseline year of 2005 and 2016, absolute carbon emissions had decreased by 37% and carbon emissions per head of population had decreased by 40%. The publication date for the next annual report, showing 2017 performance, was June 2019. The most recent data showed that the respective carbon footprints were: Authority – 18,166 tonnes of CO₂; Borough – 892,176 tonnes of CO₂. The Authority had achieved this reduction in carbon emissions within its own operations, by following the Energy Hierarchy; reduction, efficiency, low carbon energy generation. The report outlined actions that had been undertaken in respect of each of those stages of the energy hierarchy.

At the energy reduction stage, the Authority recognised the importance of effective energy management of its buildings and vehicles. This included the training of key staff in managing the consumption of energy, setting performance targets for reducing energy consumption and reducing the number of buildings and vehicles the Authority operated. At the energy efficiency stage, the Authority recognised the importance of using modern technology to reduce the energy it used in the delivery of services. At the energy generation stage the Authority recognised the potential to build on good energy reduction and energy efficiency practices through generating zero or low carbon energy as set out in the report.

The Authority had fewer levers to deliver carbon emission reductions across the Borough compared to its own estate, however there had still been significant achievements as detailed in the report.

The Cabinet Member for Environment and Transport highlighted just how important young people were, particularly when it came to influencing Cabinet thinking. The Young Deputy Mayor also commented on how important the progress being made was and thanked everyone for making North Tyneside a great place to grow up.

The Deputy Mayor thanked the Cabinet Member for Environment and Transport for the positive work done and the young people for their contribution in providing their views and

ideas into the Authority's important work on this matter. The Cabinet Member would be bringing a report to the Full Council meeting in July, to declare a climate emergency in North Tyneside, and setting out the actions the Authority would take to further reduce the carbon footprint of its operations and also plans to encourage and enable everyone in North Tyneside to contribute to an overall reduction in the Borough's carbon footprint.

Resolved that the content of the report and associated supporting information contained in Appendix 1 be noted.

CAB19/19 North Tyneside Homelessness Prevention Strategy 2019-2021 (All Wards)

Cabinet considered a report which sought approval for the revised North Tyneside Homelessness Prevention Strategy 2019 – 2021, attached to the report at Appendix 1.

Local Authorities had a statutory requirement under the Homelessness Act 2002 to produce a Homelessness Strategy that must be kept under review and published every five years. This must outline the main causes of homelessness in their area and outline the strategic plans and actions in place to tackle them. The Housing Strategy covered the period 2017-2021, therefore the Homelessness Prevention Strategy had been developed to cover the period 2019-2021. This created alignment, enabling a joint review in the future.

The duty placed on all Local Authorities via the Homelessness Act required them to monitor their Homelessness Strategy together with partners and stakeholders within a local partnership. This was achieved in North Tyneside through the Homelessness Forum, who supported the delivery of homelessness services in line with the Authority's corporate framework and other local strategies.

The Authority also had a moral duty to tackle homelessness as it could have a detrimental effect on health, well-being and community cohesion, as well as potentially increasing service costs for the Authority. Evidence demonstrated that investment in local homeless prevention services reduced the cost of mainstream homelessness services, which could cut across housing, health, criminal justice and community safety.

The Authority's current Homelessness Strategy covered the period 2013 – 2018. The Authority had commenced work on updating the Strategy in 2017, when a consultation exercise had been undertaken. Feedback from this had been collated in early 2018, however the review process had been halted in April 2018 on the publication of the Government's Homelessness Reduction Act to enable the content of the Act to be assessed and reflected in the updated Strategy.

The review process had ended in late 2018 and an updated Strategy developed which outlined the current picture of homelessness in the Borough. Details of this work and the findings were set out in Appendix 2: Review and Engagement process – Updating North Tyneside Homelessness Prevention Strategy.

The Strategy's priorities had been identified following engagement and consultation with the Homelessness Forum and a wide range of stakeholders, Elected Members, Council officers, registered housing providers and third sector organisations who supported people when they experienced a 'housing crisis'. The Authority had listened to service users, i.e. people

who had experienced homelessness or who had been affected by homelessness. This had enabled priorities to be set which detailed how the Authority would work in partnership to prevent people becoming homeless and address the causes of homelessness. These strategic priorities were:

- responding to the recent legislative changes through successful implementation and delivery of the Homelessness Reduction Act 2017;
- ensuring local housing needs were met through both the development of new homes, and efficient allocation of Council stock, prioritising those in need and the most vulnerable;
- acknowledging the impact of Universal Credit and supporting households to secure and sustain an affordable home; and
- the provision of effective communication and utilising robust partnership working,

The strategy was supported by a delivery plan which was included within the draft strategy. This set out the actions that needed to be taken to achieve key objectives.

Cabinet considered the following decision options: either to approve the Homelessness Prevention Strategy 2019-2021, or alternatively, to not approve the Strategy; or alternatively, request further information to be obtained prior to the Strategy being approved.

Resolved that the North Tyneside Homelessness Prevention Strategy 2019 – 2021, attached at Appendix 1 to the report, be approved.

(Reasons for decision: The Authority is required to formulate and publish a Homelessness Prevention Strategy based on the homelessness review results at least every five years. Approval of the Strategy will ensure that the Authority has a Homelessness Prevention Strategy in place to deliver key objectives that will contribute to preventing homelessness within the Borough.)

CAB20/19 Independent Fostering Agencies Framework Sub-Regional Procurement Proposal (All Wards)

Cabinet received a report which sought approval to participate in a collaborative procurement exercise that would establish a new sub-regional framework for letting contracts with Independent Fostering Agencies (IFAs).

In order to comply with the Authority's statutory obligations under the Children's Act 1989 and other legislation, the Authority needed to ensure that provision was in place for children in need of foster care. The Authority required the services of IFAs when in-house foster care provision could not meet the needs of a child. As at March 2019, the Authority had 28 children and young people placed with IFAs. By comparison, the number of children placed with in-house foster carers (including connected persons) was 218. North Tyneside had consistently been the second lowest user of the sub-regional framework, both in terms of the number of placements and as a percentage of the looked after children cohort.

The Authority had developed a new Fostering Strategy which aimed to increase the use of in-house fostering placements to meet the needs of children from 2019 onwards. Proposals would be presented to Cabinet later this year which aimed to increase the number of in-house foster carers, through a revised fees structure and a more comprehensive package of

carer support. Despite this, there may still be occasions where an in-house placement that met the needs of a child could not be provided, so appropriate procurement arrangements needed to be in place in order for the Authority to purchase placements from IFAs if required.

In April 2011 Newcastle City Council had taken the lead to bring together seven councils (Newcastle, North Tyneside, South Tyneside, Northumberland, Gateshead, Durham and Sunderland) to carry out a collaborative procurement exercise which had resulted in a sub-regional framework for letting contracts with IFAs. This initial framework had expired in March 2015 and a further procurement exercise had taken place for a new framework which had commenced in April 2015 where 25 IFAs had been awarded contracts. Current arrangements were due to expire on 30 September 2019 therefore it was imperative that a new collaborative arrangement was in place for then.

The benefits of this collaborative approach and the financial model under the proposed new arrangements were outlined in the report.

The report also set out details of the procurement and quality assurance processes for the new collaborative arrangements. It was noted that young people who had experience of foster care had been invited via the Children in Care Council to contribute to the tender evaluation process.

The Deputy Mayor commented this was one of a number of successful collaborations to provide services across the region.

Cabinet considered the following decision options: to participate in the sub-regional procurement exercise, or alternatively, to not approve the Authority's participation in the procurement exercise.

Resolved that (1) the Head of Health, Education, Care and Safeguarding, in consultation with the Elected Mayor, Cabinet Member for Children, Young People and Learning, Cabinet Member for Finance and Resources, the Head of Resources and the Head of Law and Governance, be authorised to proceed with the procurement exercise being led by Newcastle City Council that will establish a sub-regional framework for letting contracts with Independent Fostering Agencies, for a period of 18 months commencing on 1 October 2019, with an option to extend for a further 12 months; and (2) the Head of Health, Education, Care and Safeguarding, in consultation with the Head of Resources, the Head of Law and Governance and Cabinet Member for Finance and Resources, be authorised to enter into the framework agreement following the procurement and subsequent call off contracts under the arrangement.

(Reasons for decision: This sub-regional collaborative arrangement is in keeping with regional priorities leading to more efficient service delivery. The Authority will benefit from a standardised and transparent pricing structure, consistency of quality across all providers and a more developed local market which can provide a range of placements to meet the needs of children and young people.

If the recommendation is not approved, the existing framework will expire in September 2019 and the need to purchase external placements will continue. The Authority will need to undertake a separate procurement exercise without the benefits of collaborating with the

rest of the sub-regional group.)

CAB21/19 Adult Education Devolution (All Wards)

Cabinet received a report seeking consent to the making an Order by the Secretary of State for Education which would transfer certain central government functions relating to the Adult Education Budget to the North of Tyne Combined Authority (NTCA).

A key element of the NTCA's vision and its devolution deal with central government was the devolution of the Adult Education Budget for the area. This was likely to be in the region of £22 million per annum. The devolution of this important budget would, over time, allow the NTCA to ensure training and skills provision respond to local needs to a much greater extent than was currently the case.

The process for Adult Education Budget devolution was dependent on the Secretary of State making a legal Order to transfer the necessary statutory functions to the NTCA. The Department for Education (DfE) had now provided a draft of the Order. It was in similar terms to Orders which had already been made for the transfer of Adult Education Budget functions to other combined authorities.

Specifically, the draft Order provided that the following functions of the Secretary of State under the Apprenticeships Skills Children and Learning Act 2009 would be exercisable by the NTCA in relation to its area:

- section 86 (education and training for persons aged 19 or over);
- section 87 (learning aims for persons aged 19 or over: provision of facilities);
- section 88 (learning aims for persons aged 19 or over: payment of tuition fees).

The Order also provided for the transfer of the Secretary of State's functions under the 2009 Act which related to the encouragement of education and training for persons aged 19 or over, and the provision of financial resources. These functions were to be exercisable by the Combined Authority concurrently with the Secretary of State.

The draft Order was in keeping with the proposals as to the Adult Education Budget devolution which were set out in the Scheme published by the constituent authorities in December 2017 as part of the statutory process to create the NTCA. It did not propose that any of the functions of the constituent authorities were transferred to the NTCA.

The Order would be made by the Secretary of State on the basis that it would improve the exercise of statutory functions in the NTCA's area. As such, the making of the Order would require the consent of the NTCA and each constituent authority.

The timetable for the implementation of the devolution of the Adult Education Budget to the NTCA for 2020/21 was relatively tight. The DfE had indicated that they were likely to require the NTCA and each constituent authority to provide its consent at some point in June. It was therefore proposed that the Chief Executive be authorised to confirm the NTCA's consent when requested by the DfE, providing that the final draft of the Order was satisfactory. Each constituent authority's Cabinet was similarly being asked to authorise its Chief Executive to confirm their consent to the Secretary of State.

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 consent to the making of the Order which will transfer the functions relating to the Adult Education Budget from the Secretary of State for Education to the North of Tyne Combined Authority be approved; and
(2) the Chief Executive, in consultation with the Elected Mayor, the Cabinet Member for Children, Young People and Learning and the Head of Law and Governance, be authorised to provide written confirmation of the Authority's consent to the making of the Order when requested by the Secretary of State.

(Reasons for decision: One of the key elements of the North of Tyne devolution was the devolution of the Adult Education Budget and was included in the Scheme that was widely consulted on across the whole of the North East Combined Authority area. The devolution of the Adult Education Budget will ensure that training and skills provision in the North of Tyne Combined area will respond to local needs.)

CAB22/19 Innisfree Allotments (East), Longbenton (Longbenton Ward)

Cabinet received a report on a proposal for the Authority to transfer the Authority's interest in respect of the eastern section of Innisfree Allotments in Longbenton to a Community Interest Company known as Justice Prince.

Justice Prince was based at the Oxford Centre in Longbenton and supported the most disadvantaged and excluded sectors of the Longbenton and wider community. In 2007 the organisation had taken a lease over part of the Authority-owned Innisfree Allotment (East) site in Longbenton to develop it into a community garden. This part of the allotment site had fallen into dereliction and had been unused by the local community.

Since taking it over Justice Prince had succeeded in gaining support for the project from a wide range of private, public and third sector organisations. It had developed into a thriving garden hub offering a host of community activities to a cross section of the community and had helped those living chaotic lives, and those suffering the greatest hardship and disadvantage, into training and employment. The site also offered training facilities to the multi award winning Working Roots training programme. Fresh produce grown at the garden was offered to the community at affordable prices through a weekly pop up shop during the growing season. The community benefit of this use was recognised by the Authority.

Justice Prince now wished to add to the facilities on offer at the site by providing a modular building, with kitchen and toilet facilities, as a community space, from where they could continue to sell produce on a more regular basis, subject to obtaining planning permission. It was also proposed that it would provide space from which they could deliver a resident gardening service, leading to further training and employment opportunities.

The organisation was therefore interested in securing a greater interest in the site, as this would give them the ability to access a number of grant funding opportunities. Grant or loan funding would require they held an adequate legal interest which could be on the basis of a leasehold interest, if the remaining term was of sufficient length, or a freehold interest. Justice Prince had indicated that its preference would be to take ownership of the site.

Cabinet

They wished to do this for a nominal consideration because of the nature of the project and how it benefited the local community.

As the site was classed as an area of statutory allotments any transfer by the Authority would require the prior approval of the Secretary of State for Housing, Communities and Local Government. A transfer of this nature would reserve the right to take back the land for the same nominal consideration should the community project cease to exist, or should the site be proposed to be used for a purpose other than that presently authorised.

The proposed main terms and conditions of the transaction were set out in the report.

Cabinet considered the following decision options:

- i) To agree to declare the Innisfree Allotments (East) surplus to the Authority's requirements and to the transfer of a leasehold interest to Justice Prince;
- ii) To agree to declare the Innisfree Allotments (East) surplus to the Authority's requirements and to the transfer of the freehold interest to Justice Prince;
- iii) Not to agree to declare the Innisfree Allotments (East) surplus to the Authority's requirements, in which case the freehold interest will remain with the Authority; or
- iv) Not to grant any further interest in the Innisfree Allotments (East) site and seek an alternative use for that site.

Resolved that (1) the Innisfree Allotments (East), shown by dark outline on the plan attached to the report, be declared as surplus to the Authority's requirements and the transfer of the freehold interest to Justice Prince as set out in Section 1.6 of the report Option (ii), be approved;

(2) the Head of Law and Governance be authorised to complete the grant of an appropriate legal interest, as set out in Option (ii), in the allotments to Justice Prince, subject to the main terms and conditions outlined in Section 1.5 of the report and in accordance with all relevant legal requirements; and

(3) the Head of Commissioning and Asset Management be authorised to deal with all ancillary matters arising that are consistent with the preceding resolutions.

(Reasons for decision: Given the long-term community benefits associated with the activities undertaken at the allotments, Option (ii) is considered to be the best way to secure the long-term community benefits associated with the activities undertaken at the allotments.)

CAB23/19 Date and Time of Next Meeting

Monday 29 July 2019 at 6.00pm

Minutes published on Thursday 27 June 2019.

With the exception of Minute CAB23/06/19 (Adult Education Devolution), 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 4 July 2019. The decisions contained in Minute CAB23/06/19 are not subject to call-in and may be implemented immediately.