

Cabinet

Monday, 19 October 2020

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

In Attendance: S McKenzie (Young Mayor)
T Bridges (Business Representative)
R Fry (Voluntary and Community Sector Representative)
R Layton (North Tyneside Joint Trades Union Committee)
D McNally (Age UK)

CAB160/20 Introduction

Mrs Norma Redfearn, Elected Mayor, welcomed everyone to this meeting of North Tyneside Council's Cabinet which was the fifth virtual Cabinet meeting held by the Authority following the recent introduction of regulations by the Government enabling local authorities to conduct their meetings remotely in the light of the current Coronavirus pandemic.

CAB161/20 To Receive any Declarations of Interest and Notification of any Dispensations Granted

No declarations of interest were reported.

CAB162/20 Minutes

Resolved that the Minutes of the previous meeting held on 21 September 2020 be confirmed and signed by the Chair.

CAB163/20 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:

- The Young Mayor had been invited to be part of the Young People's Wellbeing Partnership Board. She had met the partners including Council and Voluntary Sector staff and learned about the plans for supporting young people's mental health and the partnership with Barnardo's.
- The young people's mental health wristbands and Z Cards which had been distributed to schools and colleges in the borough a few weeks ago had received positive feedback and was hoped it would make a big impact.
- The Young Mayor had spent the week leading up to Mental Health Day on 10th October sharing positive messages on social media representatives from the SEND youth forum, children's council and youth councillors showing others the types of positive activities they did to maintain good mental health.

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- The Young Mayor had been involved with the International Youth Mayor Association working on creating the website with another young mayor and providing an email link to enable young people to have their say about campaigns or to raise an issue.
- Youth Parliament Member, Abi, and the Young Mayor had begun a process of reviewing how young people had their say in North Tyneside supported by young councillors to fulfil their commitments and develop their pledges, in particular, looking at a lead person position to take responsibility for pieces of work to be agreed by the youth council on how they would move forward.
- Abi and the Young Mayor had met with the Council's Chief Executive, Paul Hanson, to thank him for his support, they were also keen to continue links between the Elected Mayor, Cabinet and the young cabinet.
- Abi had been selected to be part of The Bank of England Youth Forum after competing with university students and graduates. She aimed to highlight the importance of financial education in schools and hoped to influence decision makers.
- Abi and youth councillors had begun creating a film project to show how people could reduce, reuse and recycle unwanted clothing rather than putting in the recycling bin or rubbish bin, which on completion would be shared widely on social media as another way of encouraging residents to support their work around climate change.
- Youth councillors had participated in various activities across October as part of Black History Month, including a webinar which included the barrister Alexandra Wilson; young people had also been invited to be part of the Mayor's BAME task group to look at the experiences of children and young people in North Tyneside.
- Children in Care Council had developed packs donated by Make A Difference Luggage campaign for all children and young people who were in care. The group were involved in delivering Care4me, training newly qualified social workers to support staff working with children in care, also children in care in North Tyneside on what was important to them and how they had coped over the last 6 months.
- Due to the impact that COVID was having on Remembrance Day Services and despite restrictions youth members were being creative in the way in which to commemorate the day in other ways this year. The Young Mayor would be encouraging children and young people in the borough to draw pictures of poppies to put in their windows to show their respect for our fallen heroes.

The Elected Mayor thanked the Young Mayor for the report and the young people for their contributions to the work on the green agenda and young people's mental health issues.

CAB164/20 Environmental Crime and Anti-Social Behaviour Policy

Cabinet received a report seeking approval for a new combined Policy for Environmental Crime and Anti-Social Behaviour (ASB) including all the new legislation.

Part 2 of the Anti-Social Behaviour Act 2003 required social housing landlords to prepare and publish policies and procedures on anti-social behaviour that must be made available to the

public.

The Authority's current ASB policy had been published in 2012 and was no longer fit for purpose. Recent legislation changes, including the Policing Crime Act 2014, had changed the landscape in how the Authority tackled and prevented environmental crime and ASB.

This Act introduced key changes such as the introduction of Closure powers, Community Protection Notices, Absolute ground for possession and the Public Space Protection Orders (PSPO) which the Authority had adopted in October 2018, with the implementation of Fixed Penalty Tickets (FPN) for enforcement of the PSPOs.

Tackling ASB and wider crime in the borough was a key priority for the Authority. For the majority of residents Environmental Crime and ASB was not an issue. However, the Authority understood the importance of residents feeling safe in their homes and communities.

The Authority continued to work in partnership with key services represented on the Safer North Tyneside Partnership. This partnership was vital to the Authority's commitment to address community and public safety, crime and disorder and environmental crime issues affecting its communities. Therefore, a combined policy represented this and ensured a consistent approach.

The Authority had reviewed the current ASB Policy and by combining the policy with environmental crime enforcement activity it provided a framework of the powers available to the Authority relating to environmental crime and ASB. It ensured that any enforcement action was clear, concise, proportionate, consistent and targeted to ensure a responsive, effective and value-added service.

The new policy, if approved, would fit in with the ambitions of the Safer North Tyneside Plan and the wider strategy that ran until 2024.

The policy aimed to:

- Outline North Tyneside Council's approach to tackling ASB and how the Authority would manage cases and work with its residents and partners;
- Inform residents of the borough about what to expect when environmental crime or ASB contraventions were found and where resources would be targeted; and
- Facilitate the development of sustainable communities where people wanted to live and feel safe.

The Elected Mayor welcomed the report and the Young Mayor's comments that everyone in North Tyneside had a responsibility to look after the Borough.

Cabinet considered the following decision options:

Option 1 - to approve the Policy which will allow the combined service to work together, operating a consistent approach in order to maintain a clean, safe environment and strengthening the Authority's approach to tackling crime within the borough of North Tyneside

Option 2 - to reject the Policy and the service will revert to working from separate policies for both environmental crime issues and ASB issues.

Option 3 - to request further information prior to approval of the Environmental Crime and Anti Social Behaviour Policy.

Resolved that the Environmental Crime and Anti-Social Behaviour Policy, attached at Appendix 1 to the report, be approved.

(Reason for decision: The policy brings together all enforcement options for Housing and Environment under one policy, taking into consideration the most recent changes to legislation to ensure a consistent approach.)

CAB165/20 Confirmation of renewed Article 4 Directions to manage planning rights for land at Preston Park and specified streets within Spanish Battery, New Quay, and Tynemouth Village

Cabinet received a report seeking approval to renew the existing Article 4 Directions in relation to Preston Park, Spanish Battery, New Quay and Tynemouth Village following a consultation with residents and landowners for each of the four affected areas.

The four Article 4 Directions previously confirmed in North Tyneside had been implemented as part of the Authority's duty to help preserve and enhance the character and appearance of conservation areas. The specific areas covered by the Article 4 Directions were set out in section 1.5.6 of the report.

As part of the Authority's ongoing refresh of its planning framework, consideration had been given to the continued suitability and effectiveness of those Article 4 Directions.

The existing Article 4 Directions continued to be applied, but a review had identified that there was a risk of misinterpretation of their meaning or effect upon permitted development rights by residents and stakeholders. This was because the legislation attached to those Directions, the Town and Country Planning (General Permitted Development) Order 1995, had been superseded by the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO").

To respond to the potential risk identified, Cabinet had agreed on 29 June 2020 to undertake consultation on draft renewed Article 4 Directions, worded in accordance with the GPDO.

It was not proposed to amend the extent of the conservation areas affected by the existing Directions. The renewed Directions would, as with the previous Directions, remove permitted development rights afforded to dwelling houses in the affected areas and, in the case of Preston Park only, remove permitted development rights afforded to land. This would include the erection of extensions and porches, installation of hardstanding and alterations to roofs – all of which did not normally require planning permission.

The renewed Directions were proposed to be made under the GPDO and include the wording "as amended, revoked or re-enacted" to ensure the Directions would remain valid should there be any future changes to legislation. The draft Article 4 Directions were attached at Appendices 1 to 4 to the report.

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In accordance with the relevant legislation, once a new Direction was confirmed the existing Direction was cancelled.

It was recommended that the Article 4 Directions were confirmed by Cabinet. Not undertaking this work would harm the Local Planning Authority's ability to continue to preserve and enhance the conservation areas, and therefore fail in its statutory duties, as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Details of the consultation process undertaken were set out in the report. Prior to the consultation, an Engagement Plan had been shared with the relevant Ward Members for their input. Six residents had engaged in the consultation as set out in section 1.5.19 of the report. No objections to the renewed Article 4 Directions had been received.

In accordance with the GPDO, Article 4 Directions could not be confirmed until at least 28 days after the end of the consultation. This would be 20 October 2020. Should Cabinet agree to confirm the renewed Article 4 Directions, they would be brought into effect at the earliest opportunity following the Cabinet call-in period.

A letter would be sent to all affected owners/occupiers to inform them of the confirmation. A copy of the confirmed Directions must also be sent to the Secretary of State.

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

Resolved that (1) the feedback received to the public consultation on draft proposed renewed Article 4 Directions at Preston Park, New Quay, Spanish Battery and Tynemouth Village be noted; and
(2) confirmation of renewed Article 4 Directions at each of the four affected areas be agreed.

(Reasons for decision: The legislation attached to the Article 4 Directions currently in place has now been superseded by the GPDO. As a result of this change, these Directions may not be capable of effective interpretation and implementation. Renewing the Article 4 Directions will allow for the Local Planning Authority to fulfil its statutory duty of preserving and enhancing the character and appearance of conservation areas.

A statutory consultation was carried out between 7 August and 21 September 2020 with affected owners and occupiers given the opportunity to input. No objections to the renewed Article 4 Directions were received.)

CAB166/20 Climate Emergency Update

A report was received which updated Cabinet on the reductions in the Authority and Borough carbon footprints achieved since the declaration of a Climate Emergency, and seeking approval to a number of new policy proposals, developed by the Authority's Climate Emergency Board, to support the delivery of the action plan and the work towards achieving the carbon reduction targets agreed by Cabinet in July 2019.

In July 2019 Council had declared a Climate Emergency, setting a target to reduce the carbon footprint of the Authority and the Borough by 50% by 2023 and to become carbon neutral by 2050.

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At the end of 2019/20, the Authority's carbon footprint had decreased by 46% since the baseline year of 2010/11. Given this current performance, it was likely that the Authority would achieve the 50% reduction target by the 2023 target date. It was noted that the carbon footprint data ran up to 31 March 2020 so only included one week of the COVID-19 "lockdown" period and therefore had no real impact on performance.

The Authority was clear in its commitment to tackling the Climate Emergency and had taken a number of steps since the previous report to Cabinet in 2019. These were included in Section 1.5.2 of the report.

In November 2019 Cabinet had approved the establishment of a Climate Emergency Board which would shape an action plan to 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 action plan had been prepared in the midst of the COVID-19 pandemic. At the time of development, the true economic and societal costs of the pandemic for the UK and North Tyneside were not fully known. Whilst the lockdown measures and economic damage caused would undoubtedly result in a short-term reduction in greenhouse gas emissions, it was possible that emissions could rebound if climate positive solutions were not included as central elements in recovery plans.

The Climate Emergency Board was reviewing, and would continue to review, appropriate funding packages from Government that aimed to decarbonise the economy and stimulate economic growth.

There were lessons to learn from the pandemic that could be applied to the climate emergency, perhaps the biggest being the population's capacity and willingness to accept lifestyle changes for the wider benefit of society. Learning lessons from the response to a global health emergency and applying them to a global climate emergency could pave the way for the accelerated and sustained change that was critical in solving the problem of climate change. By embracing these lessons, the Borough may be able to enjoy long term sustainable carbon emission reductions from changes in behaviours, such as the increase in active travel, reduction in travel by private car, increased working from home practices and willingness to invest in domestic property improvements.

During the pandemic it had been evident how much residents had used and enjoyed the parks, beaches and open spaces North Tyneside had to offer. The Authority's ambitious carbon reduction programme sought to protect this natural capital through mitigation against climate change and a subsequent climate breakdown.

Working in consultation with the Cabinet Member for Environment and Transport, the Climate Emergency Board had developed a number of policy proposals that would support the work of the Board in achieving the targets announced by Council in July 2019 in the declaration of a Climate Emergency. These were:

- By 2023 all Authority Street Lights would be converted to LED (with the possible exception of specialist heritage columns)
- Newly built Authority operational buildings would not use gas or oil as the primary fuel for heating

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- The Authority would identify renewable energy investment opportunities on its own buildings and land, and across the Borough on non-Authority assets
- The Authority would replace 100% of all Light Goods Vehicles which were due to be replaced by 2030 with electric vehicles and would continue to explore the possibility of replacing all Heavy Goods Vehicles with electric vehicles
- The Authority would encourage team members across the organisation to tackle the climate emergency by:
 - i. Ensuring all employees had access to online educational tools to build knowledge and understanding of climate change;
 - ii. Introducing climate change discussions into annual individual performance reviews;
 - iii. Delivering campaigns annually across the organisation; and
 - iv. Reviewing the employee benefit package to determine if the Authority could incentivise actions to reduce carbon emissions such as prioritising electric cars in leasing offers
- The Authority would establish a Borough wide board, with a range of stakeholders, to reduce the carbon footprint of the Borough
- The Authority would reduce car-based school trips by 5% annually
- The Authority would require all new developments to provide EV charging points
- The Authority would remove all 'non-essential' single use plastics from council premises and council activities, where possible, by 2025
- The street trading licensing scheme would include conditions to end the use of single use plastics
- From 2022, where practical and other alternatives could be sourced, single use plastics would not be permitted at Authority managed events. The Authority would also implement an Events Charter to reduce its environmental impact.

The Young Mayor congratulated the Authority for the work it was doing on climate change and for involving young people in efforts to reduce the Borough's carbon footprint.

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

Resolved that (1) the performance update in relation to the carbon footprint of the Authority and the carbon footprint of the Borough be noted;
(2) the content of the action plan to reduce the carbon footprint of the Borough be noted; and the Head of Environment, Housing and Leisure, in consultation with the Cabinet Member for Environment and Transport and the Climate Emergency Board, be authorised to develop business cases for delivery of actions as deemed appropriate;
(3) the list of proposed policies and associated actions set out in section 1.5.5 of the report to support the work of the Climate Emergency Board be approved; and
(4) a further progress report be presented to Cabinet in 2021.

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

CAB167/20 North Tyneside Highway Asset Management Plan Annual Report 2020

Cabinet received the North Tyneside Highway Asset Management Plan (HAMP) 2017-2032 Annual Information Report 2020 which summarised the work undertaken to demonstrate

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progress against delivery of performance of the Highway Management Plan during the past 12 months, future planned work activities and other items of relevant interest.

The Authority was responsible for an extensive highway network and feedback from residents had consistently told the Authority that the maintenance of roads and footpaths was a top priority.

In September 2017, Cabinet had adopted a new HAMP 2017 - 2032, setting out the Authority's approach to maintaining North Tyneside's highways and responding to the Elected Mayor and Cabinet's policy direction which included providing a greater emphasis on footways. The HAMP included a commitment to provide Cabinet with an annual information report outlining progress and key issues associated with the maintenance of the Authority's public highway network.

Currently the highway maintenance activities delivered through the HAMP were funded through a number of funding streams. Capital work was funded by the annual Local Transport Plan Maintenance Block and in recent years additional funding had been invested through the Authority's Investment Plan.

The HAMP Annual Information Report 2020 would be used as the basis for ongoing consideration around the challenges of maintaining the highway network. The report was aimed at supporting those considerations so that any decisions about potential changes in highway maintenance priorities and resources could be made in an informed manner.

The key highlights from the annual report were as follows:

- The highway network was the most valuable asset in the Authority's ownership.
- The current total value of highway assets was £1,895,000,000 (£1.895 billion).
- The successful implementation of the HAMP policy and investment strategy was demonstrating that the ongoing application of highway asset management principles by the Authority was gradually improving the condition of the road network.
- The continued additional capital investment being funded directly by the Authority in highway maintenance was gradually improving the overall condition of the network in line with HAMP principles, as illustrated by the current "Road Condition Indicator" calculation results set out in the Information Report.
- The Technical Services Partnership had introduced new technology to measure silt levels in gully pots which would inform a new risk-based approach to gully cleansing. The second cycle of cleansing and data gathering had been completed with data available on over 44,000 road gullies in North Tyneside. The new gully cleansing regime had been rolled out in the summer of 2020 and gullies were now cleaned as needed rather than routinely visited. This ensured better use of resources.
- The Technical Services Partnership continued to achieve and exceed its KPI targets and through its Annual Service Plan was identifying innovative ways of working, service improvements and efficiencies.

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- How the Authority spent its allocated funding needed to be carefully balanced across the Authority's highway network.
- Continued customer engagement was providing better intelligence on the public's priorities for the Authority's highway maintenance efforts. These included continuing the improvements of residential and strategic roads and footways and improving the gully cleaning service.
- The Authority had delivered all programmed highway asset improvement schemes to date.
- Following the Authority's declaration of a climate emergency plan, the Highways Service had been assisting in supporting this area of work. For example, the Technical Services Partnership was now working with the road resurfacing supply chain to explore new products that would contribute to reducing the Authority's carbon footprint. Further detail was set out in Section 12.4 of the report.

There were no decision options set out for Cabinet's consideration as the report was for information purposes only.

Resolved that the content of the North Tyneside Highway Asset Management Plan Annual Information Report 2020 be noted.

CAB168/20 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.

CAB169/20 Delivering the Ambition for the Borough - Development of the Unicorn House Site

Cabinet considered a report seeking approval for the Final Business Case prepared by Aurora Sales to develop a further site in North Tyneside that would support the ongoing regeneration aims of the Authority. If approved, the site at Unicorn House in North Shields town centre would see Aurora Sales develop 28 homes on the site for market sale.

The Scheme would directly contribute towards the Authority's priorities within the 'Our North Tyneside' Council Plan to create great places to live and provide more quality housing. It would also play an important role in delivering the aims of the 'Ambition for North Shields and the Fish Quay' masterplan that had been launched for public consultation in August 2020.

The Final Business Case demonstrated that the scheme would be financially viable for Aurora Sales and would provide high quality homes as well as providing a potential financial return to the Authority.

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

- Resolved** that (1) the Unicorn House site be declared surplus to the Authority's asset requirements and Officers be authorised to procure the demolition of the existing buildings, clearance and remediation of the site and deal with all ancillary matters to ensure the site is suitable for development;
- (2) the sale of the Unicorn House site to Aurora Sales to reflect the Final Business Case attached to the report as Appendix 2, be approved;
- (3) the Head of Commissioning and Asset Management, in consultation with the Elected Mayor, the Head of Law and Governance and Head of Resources, be authorised to agree minor modifications to the Final Business Case provided it remains within the financial envelope as set out in the report;
- (4) the Authority shall provide all necessary support to Aurora Sales, in the acquisition and development of the site by way of finance, both debt and equity funding, in the most efficient manner, complying at all times with State Aid Regulations, all other relevant legal requirement and the Authority's Constitution and Financial Regulations provided there are no additional financial implications for it which cannot be contained within existing budgets, on such appropriate terms as approved by the Head of Resources in consultation with the Head of Law and Governance;
- (5) the Head of Commissioning and Asset Management, in consultation with the Elected Mayor, the Head of Resources and Head of Law and Governance, be authorised to complete negotiations for the sale of the site to Aurora Sales and to agree the final terms of disposal of the site by private treaty, in accordance with all relevant legal requirements, the Authority's Constitution and Financial Regulations; and
- (6) 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: it will support the Mayoral aim and priority as outlined in the Our North Tyneside Plan 2020 -2024 that Our Places will be great places to live and offer a good choice of quality housing appropriate to local need and redevelop a vacant brownfield site.

It will support the policy aim to continue to develop places to provide suitable accommodation for residents of the NTC area, and will attract visitors and /or employees/prospective employees.

Aurora Sales believes the Project is commercially viable.

The new housing will increase of the supply of market homes and will improve/benefit the area and support/boost the local economy.)

CAB170/20 Date and Time of Next Meeting

6.00pm on Monday 30 November 2020.

Minutes published on Thursday 22 October 2020.

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 29 October 2020.