

## **Cabinet**

**Monday, 24 January 2022**

**Present:** N Redfearn (Elected Mayor) (in the Chair)  
Councillors C Johnson, K Clark, S Cox, S Day, P Earley,  
S Graham, A McMullen and M Rankin

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

**Apologies:** Councillors C Burdis and M Adams (NHS North Tyneside  
CCG)

### **CAB74/22 To Receive any Declarations of Interest and Notification of any Dispensations Granted**

Councillor K Clark declared a registerable personal interest in agenda Item 5: 2021/22 Financial Management Report to 30 November 2021 (CAB77/22), as she was a Director and Employee at Justice Prince CIC which had contracts with North Tyneside Council funded from the Housing Revenue Account (Working Roots).

### **CAB75/22 Minutes**

**Resolved** that the Minutes of the previous meeting held on 29 November 2021 be confirmed and signed by the Chair.

### **CAB76/22 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 Equalities Committee had met with the young people's focus group Unity as and discussed transgender issues facing young people in North Tyneside, where Unity members shared their concerns and how they could work together to highlight where improvements could be made.
- Youth councillors had helped with the Make Christmas Special project which brought people together who would be isolated on Christmas day, providing a hot meal and gift to each person delivered to their home and a few smaller groups meeting in person.
- The BAME Taskforce budget consultation had taken place in December and some of the Youth Council BAME Committee members participated in this session.
- Youth councillors, SEND Youth Forum members and Children in Care Council had

taken part in their own budget engagement session and learned about how the North Tyneside Council budget was managed, how it linked with the Our North Tyneside Plan, and also made some suggestions on savings and investments to be included with other feedback for consideration when setting the final budget.

- Some youth councillors had been nominated for the Spirit of North Tyneside Award 2021, along with many other young people who had contributed in their own time to make a difference to the lives of others in their communities, with Youth Parliament Member, Abi Tang, and the Young Mayor being part of the judging panel to decide on the winners.
- Daniel Taylor had been presented with the Young Mayor's Award because of his outstanding commitment to his work on projects, using his lived experience to inform and help improve council services.
- The Children in Care Council had led the December Leadership Forum and delivered a training session around what it was like being in care and what they as young people wanted to see being improved. Many services had pledged support around apprenticeships ensuring that young people in care had a trusted adult in their life and the team would be working closely with services from January to drive these pledges forward.
- The Children in Care Council had held their annual Christmas event which allowed them to meet with Senior Corporate Parents to showcase what work they had done over the year and seek support for the coming months with their goals.
- The Young Mayor for North Tyneside and Member of UK Youth Parliament elections were underway with 21 candidates for the two positions. Online voting for the first stage of the election concluded on 14 January, with the top four candidates continuing to campaign to become elected in the second round of votes to be announced on the 4 March 2022.
- The Young Mayor had made a recording to be used for the Holocaust Memorial Day.

The Elected Mayor thanked the Young Mayor for the update and the young people for their work throughout the year including contributions made to Children in Care and the Spirit of North Tyneside.

### **CAB77/22     2021/22 Financial Management Report to 30 November 2021**

Cabinet considered the fourth monitoring report outlining the 2021/22 financial position. It provided the latest indication of the potential revenue and capital financial position of the Authority as at 31 March 2022. This report was an interim view and it was expected this would change over the coming months as the recovery from Covid-19 continued.

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 2021/22 approved budget savings plans; and an update on the Capital Investment Plan including details of variations and reprogramming that were recommended for approval.

The budget for 2021/22 was approved by full Council at its meeting on the 18 February 2021. The net General Fund revenue budget was set at £150.154m. This included £4.537m of savings to be achieved, all of which had been identified in previous years.

The forecast overall pressure for the General Fund Revenue Account was estimated at £5.247m against the approved net budget. This was made up of a forecasted pressure of £1.306m on normal activities and £3.941m relating to the impact of Covid-19. The pressure on normal activities in the service was driven mainly by Health, Education, Care and Safeguarding at £7.284m, reflecting the continued pressures in Children's Services, partly mitigated by the contingency balances that had been created 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 £5.097m of pressures in Corporate Parenting and Placements and £1.564m in Integrated Disability and Additional Needs. The drivers for these pressures continued from 2020/21 and were outlined in the report.

It was anticipated that the outturn forecast for normal activities would improve over the course of the financial year as planned remedial actions began to impact on both expenditure and income.

With regards to the impact of Covid-19, the main drivers behind the £19.318m impact on services were also within Health, Education, Care and Safeguarding where £12.037m was for increased costs to the Authority. Significant Covid-19 related pressures also existed in Environment, Housing and Leisure (£3.850m) and in Commissioning & Asset Management (£2.528m).

The report outlined the revenue grants which had been received during August and September 2021.

The latest position in respect of Schools Funding was provided in the Annex to the report. Schools were required to submit their rolling three-year budget plan by 31 May each year. The total planned deficit for 2021/22 was £3.902m. The Authority had been working with schools for a number of years with regard to long-term strategic issues of surplus secondary places and the associated financial pressures, which continued to be compounded by rising employment costs. The provisional outturn for the year ended 31 March 2021 showed a surplus of £3.721m, which revised the trend of deficits over the previous few years.

As well as school balances being forecast to reduce overall, some individual schools continued to face significant financial challenges. There were six schools with deficit budget plans for 2021/22, all of which continued to be deficit following 2019/20. The High Needs Block ended 2021/21 with a pressure of £8.880m. The latest forecast of the budget position for 2021/22 indicated an anticipated in-year pressure of £3.763m reflecting a further rise in demand for special school places.

The Housing Revenue Account was forecast to have year-end balances at 31 March 2022 of £3.426m, assuming all identified Covid-19 related costs and income shortfalls were covered centrally. The balances were £0.414m higher than budget which had been set at £3.012m, due mainly to the impact of the previous year's financial performance, but there was also an

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in-year estimated underspend of (£0.378m), against an in-year budget of £1.943m.

Universal Credit had been fully implemented across North Tyneside on 2 May 2018. As of the end of November 2021, 3,716 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 approved 2021-2026 Investment Plan totalled £292.639m (£90.719m 2021/22) and was detailed in the Annex. The Annex also set out the delivery progress to date, planned delivery for 2021/22, reprogramming and other variations identified through the Investment Programme governance process.

The monthly monitoring of the Investment Plan had resulted in proposals for variations of £4.028m and reprogramming of £6.134m of which more details were set out in the Annex to the report. The revised Investment Plan stood at £87.528m for 2021/22 and to the end of November 2021 spend of £31.772m had been incurred which represented 36.30% of the revised plan.

The report also outlined progress against the 2021-2025 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. Along with the number of adults supported increasing over the last few financial years, the individual needs of those residents had increased due to people 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.

Over recent years, there had been an increase nationally in demand for children's residential placements but with no corresponding increase in central government funded provision. As such, the levels of looked after children (LAC) and children who required supervision after leaving care continued to generate a significant financial pressure. Data suggested that, whilst fluctuating, there was a general trend of a steady increase in numbers of LAC, but there was a wide range of levels of care provided, with more complex cases now being faced.

Cabinet considered the following decision options: either to accept the recommendations as set out in Section 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 November 2021, as set out in the Annex to the report, be noted;  
(2) the receipt of £4.805m new revenue grants be approved;  
(3) the Authority's Investment Plan spend of £31.772m to 30 November 2021 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 £4.028m (£0.031m for 2021/22) and reprogramming of £6.134m for 2021-22 within the 2021-2026 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.)

### **CAB78/22      Calculation of the 2022/23 Council Tax Base for North Tyneside Council**

Cabinet considered a report which provided an explanation of how the proposed North Tyneside Council Tax Base for 2022/23 had been calculated and requested approval of the calculation for 2022/23.

The detailed Council Tax Base calculation for North Tyneside for 2022/23 was attached as Appendix A to the report, together with an explanation of the specific elements that formed part of this calculation. Within this calculation, adjustments had been made to reflect the effect of exempt properties, disabled relief, discounts and premiums.

Applying the adjustments had the effect of adjusting the total number of properties to a common base for each band, in terms of full year equivalents.

The Council Tax Base Regulations ensured that the Council Tax Base for an area took into account the effect of disability reductions in respect of dwellings which fell within Band A. They introduced an additional 'alternative valuation band' to allow Band A properties to qualify for a disabled reduction. Previously, properties adapted to meet the needs of a disabled person were charged at a rate equal to the next lowest valuation band, so for example a qualifying Band D property would be charged at a Band C rate, but this had not applied to Band A properties. Instead of paying the normal Band A charge (six-ninths of the Band D) a qualifying Band A property was now charged five-ninths of the Band D charge. For the purpose of the Council Tax Base calculation, it was now necessary to show Band A properties which qualified for a disabled reduction as if it were an additional valuation band. Deductions were then made for exempt dwellings and the estimated impact of the Council Tax Support scheme for 2022/23.

In order to arrive at the Council Tax Base calculation for 2022/23, the number of dwellings within each of the Council Tax Bands, A – H, had been converted to their Band D equivalents, using the appropriate proportions. The result of this calculation for 2022/23 was to produce a total number of properties prior to an allowance for non-collection and contributions in lieu of 63,126.

The next stage of the Council Tax Base calculation involved making a deduction for the non-collection of Council Tax. This non-collection element of the calculation was made in respect

of the amounts that were legally due, but which, for varying reasons, may not be collected. The assumed Council Tax collection rates for North Tyneside had improved significantly since 1993/94, when the assumed collection rate was 95%. The assumed North Tyneside Council Tax collection rates for each year from when Council Tax had been introduced in 1993/94 were detailed in the report.

A fundamental issue for the Council Tax Base calculation was the assumed percentage Council Tax collection rate to apply. The Authority's performance on Council Tax collection had been improving for many years, reaching a peak of 99.20% in setting the Council Tax Base for 2012/13. However, since 2013/14, a lower collection rate of 98.50% had been proposed and agreed. This lower rate of 98.50% had been set to reflect the estimated impact of the Council Tax Support Scheme, the estimated impact of other Welfare Reform changes and changes to Exemptions and Discounts applied from 2013/14.

Council Tax in year collection had reduced in 2020/21 and 2021/22 due to the impacts of Covid-19 which had seen a reduction in income for some residents. There had been an increase in residents of working age claiming Local Council Tax Support in the last two financial years but there are now signs that the number of claimants were reducing. As at the end of November 2021 the in-year collection for 2021/22 was 0.50% lower than at the same point in 2019/20. However, it was 0.10% ahead of what it was in 2020/21 at the same point. This was because the Authority paused recovery of Council Tax debt in 2020/21 until late in that financial year to support residents who were having difficulty in paying. The collection rate at this point was only however an approximate indicator of the assumed Council Tax collection performance, given the significant time lag effect between in year and ultimate Council Tax collection performance.

Having considered various issues in relation to the collection rate for 2022/23, which were detailed in the report, it was proposed that an assumed Council Tax collection rate of 98.50% was set as part of the 2022/23 Council Tax Base calculation. This was an increase against the assumed collection rate for 2021/22 which had been reduced to take account of the difficulty in collection due to job losses, furlough and the general economic climate caused by Covid-19.

This year collection had improved against 2021/22 at this point, recovery of Council Tax debt was in place and the Council Tax Support claims were reducing. It was also the case that since 2020/21, working age Council Tax Support claimants had been further assisted with up to £150.00 additional support against their Council Tax through government grants. When this was removed from 2022/23 it may have some impact on in year collection. Despite this it was felt that a return to the assumed collection rate of prior to 2021/22 of 98.50% was achievable long term.

The final stage of the Council Tax Base calculation involved adding an estimated amount in respect of contributions in lieu of Council Tax to be made to the Authority, which was expressed in terms of the number of Band D equivalent properties. For 2022/23 this figure for North Tyneside Council which related to Ministry of Defence properties was 50 Band D equivalent properties.

The 2022/23 Council Tax Base for the whole of North Tyneside after the allowance for non-collection and payments in lieu was 62,229 Band D equivalent properties. This equated to an increase of 1,288 Band D equivalent properties compared to the 2021/22 figure, this was

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down to a reduction in Council Tax Support claims, and the increase in the assumed long-term collection rate.

Cabinet considered the following decision options:

Option 1 – to set the 2022/23 Council Tax Base for North Tyneside Council using an assumed Council Tax collection rate of 98.50% and agrees the change to the Council Tax Support Scheme.

Option 2 – to not agree the proposed Council Tax Base calculation and asks officers to undertake further work on the proposal.

**Resolved** that the report on the calculation of North Tyneside's Council Tax Base for 2022/23 be noted, and the assumed Council Tax collection rate for 2022/23 be set at 98.50% and therefore the amount calculated by North Tyneside Council as its Council Tax Base for 2022/23 shall be 62,229 Band D equivalent properties.

(Reasons for decision: The proposed 98.50% Council Tax collection rate, representing an increase of 0.5% on the 2021/22 assumed collection rate is felt to be achievable for the reasons set out in paragraph 1.5.13 of the report.

The risk of setting a Council Tax collection rate too high is that this can result in a deficit position for the Council Tax element of the Collection Fund, which in turn will have to be funded by the Authority's General Fund. This collection rate is reviewed as part of the annual Council Tax Base calculation, and the 98.50% collection rate will be reviewed in determining the Council Tax Base for 2023/24.)

### **CAB79/22 Care Home fees and procurement arrangements**

Cabinet considered a report seeking approval for the fee levels for older person's care homes from April 2019, together with the associated fee increases in April 2020 and April 2021; and the commencement of a procurement exercise with all in borough older person's Care Home providers to put in place new contracts.

Further to the reports to Cabinet in June 2020 on the Adult Social Care Action Plan which set out an approach to working with the social care market to secure greater market stability, and in February 2021 to finalise arrangements and to undertake a procurement exercise leading to the award of contracts to preferred bidders. This report provided an update on this and sought approval for the weekly rate for 2019 with fee increases in April 2020 and April 2021, and the weekly price and updates to the commercial arrangements to be included in a proposed procurement exercise.

During the period late 2019 and into 2020, work was undertaken with Care North East (North Tyneside) but was not concluded due to dealing with COVID-19 matters. The review of the figures put forward by the Authority and those put forward by Care North East (North Tyneside) was picked up again in 2021. Following this work, officers considered the position and a delegated decision was taken on 6 July 2021. This decision was then communicated to care homes on 6 July 2021. Subsequently, the decision was formally challenged by Care North East (North Tyneside) by way of Judicial Review proceedings. A copy of the judicial review claim and a witness statement in support of the claim were attached in the annexes

to the report for information.

As a consequence of the Judicial Review application, officers reviewed the decision and agreed that it be withdrawn, and that the matter be presented to Cabinet for consideration and determination.

As explained above, on the 6 July 2021, the Authority under the Officer Delegation Scheme determined a fee increase for care home provision from April 2019. This followed the review of information from Care North East (North Tyneside) and the Authority's own work on care home costs that was undertaken as part of the draft pricing strategy consultation exercise. The Authority also put in place further increases to the April 2019 base costs in line with previously determined inflationary uplifts in April 2020 of 5% and April 2021 of 2.16% to give a new set of rates to be paid for the three-year period commencing April 2019. The outcome of this and the associated annual fee increases were appended to the report. This decision was one of the subjects of the Judicial Review that the Authority received and it was decided to withdraw that decision pending some further work with Care North East (North Tyneside) and report to Cabinet on the matter.

This additional work had now been concluded and had resulted in the proposed figures set out below.

These proposed figures reflected careful consideration of the figures set out in Care North East (North Tyneside)'s consultation response; the proposed figures in the draft pricing strategy; the figures generated by other models, including ADASS and Laing and Buisson; and fees being paid in other local authority areas in the North East. The figures also reflected consideration of the costs that providers were facing in delivering care, the care home market in North Tyneside generally, and the care home fees from other local authorities in the North East Region. Appendix 4 to the report sets out a comparison of the grade 1 costs (as at grade 1 rates in 2021/22) against the other Local Authorities in the North East region. For both general care and dementia care the proposed rates placed North Tyneside slightly above the regional average and fourth higher across the whole of the region.

In arriving at the proposed figures the Authority had:

- Used a figure for staffing costs of £367.00 per week, which was the same as the figure proposed by Care North East (North Tyneside) in its consultation response
- Used a figure for non-staffing costs of £137.00 per week, which was the same as the figure proposed by Care North East (North Tyneside) in its consultation response
- Increased the differential between the fees for general and dementia care

There was a significant difference between the approach taken to the return on capital and contingency costs in the draft pricing strategy and the consultation response from Care North East (North Tyneside). Notwithstanding this and as part of the overall calculation of costs in light of the matters set out above, it was proposed that this be indicatively calculated at £84.00 per week to give an overall total blended cost (taking account different grades of home and the mix of general and dementia placements) of £588.00 per week.

The rates as set out below had been agreed by Care North East (North Tyneside) on behalf of its members and were recommended for agreement.

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	New Baseline for 2019/20	Plus 5% for 2020/21	Plus 2.16% for 2021/22
<b>Residential - general</b>			
Grade 1	£599.40	£629.37	£642.96
Grade 2	£563.38	£591.55	£604.33
Grade 3	£528.41	£554.83	£566.81
Grade 4	£499.27	£524.23	£535.56
<b>Residential - dementia</b>			
Grade 1	£633.57	£665.25	£679.62
Grade 2	£596.22	£626.03	£639.55
Grade 3	£559.96	£587.95	£600.65
Grade 4	£529.74	£556.23	£568.24

In terms of procurement and contracting arrangements, whilst the Authority must seek to ensure Best Value in terms of the procurement of residential and nursing care, the structure of the existing market in the Borough, the use of a pre-agreed pricing mechanism and the choice of placements afforded by the Choice of Accommodation Direction meant that it had not been previously possible to competitively procure this service.

The current contract ended in 2015 and had been extended since then due to ongoing fee negotiations. In accordance with the Public Procurement Regulations 2015 a procurement exercise must be undertaken. Extensive engagement was currently being undertaken to ensure providers were ready to contract with the Authority.

The Authority had developed a three-year plan, attached at Appendix 5 to the report, to set out a review of its commercial arrangements with care home providers and had set an ambition of:

- Putting new contracts in place that met the Authority's requirements now and during the contract term.
- Put in place a new set of fee levels with care home providers and arrangements for dealing with fee increases.
- Reviewing the quality monitoring and banding levels.
- Better understanding demand and requirement to ensure there was sufficiency of the right supply to meet that need.

During August / September 2021, detailed engagement and consultation took place with care home providers individually, with Care North East (North Tyneside) and with the CCG. The engagement looked at dealing with Fee increases, Quality of provision and quality improvement, review of quality monitoring methodology and grading, Demand and capacity to deliver, The contract underpinning the provision of care, contract duration, and Procurement process.

The feedback was set out in Appendix 6 to the report. In summary, the following sets out the key elements for Cabinet's consideration:

- Given the current pandemic and uncertainty in relation to Adult Social Care settlements, a shorter-term contract of 12 months plus a further 12 month option to extend would be

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appropriate.

- The Authority proposed an increase in weighting to achieve the highest banding, an increase from 80%. During the term of the contract, the Authority would work towards an 85% banding for grade 1. This would ensure that its vulnerable residents received the highest quality of care. Prices would continue to be increased on an annual basis but in line with a formal mechanism within the contract.
- Providers would be keen to enter into formal contracts with the Authority.
- In relation to fee increases, it was agreed there needed to be reference to areas outside of Provider and Authority control to be included, such as links to Living Wage which had recently increased above inflation over recent years as well as other cost pressures that might come through, i.e. utility costs, insurance, infection control (once grants and access to free PPE comes to an end).

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

**Resolved** that (1) the fee levels for older person's care homes from April 2019, together with the associated fee increases in April 2020 and April 2021, as set out in paragraph 1.5.4 of the report, be approved; and  
(2) the commencement of a procurement exercise with all in borough older person's care homes in line with the requirements set out in paragraph 1.5.7 of the report, be approved.

(Reason for decision: This would enable a decision to be made on fee levels and for the procurement exercise to be commenced for new contracts / framework agreements to be put in place from April 2022.)

### **CAB80/22      Review of North Tyneside's Tree Management Policy**

Cabinet considered a report seeking approval for the adoption of a revised North Tyneside Tree Management Policy and new Tree Planting Strategy.

The Authority's green spaces provided important recreational areas for communities to enjoy. Trees in particular, bring benefits for physical health and emotional wellbeing. Trees were an important part of the borough's landscape and were a sensitive and sometimes emotive issue to manage. The Authority had responsibility for the management and maintenance of approximately 141,000 trees across the borough. This included trees in open spaces, parks, cemeteries and woodland areas.

Every year the Authority received hundreds of tree related enquiries relating to requests for pruning, tree removal, tree planting and the removal of leaf litter. Trees made a valuable contribution to both wildlife conservation and the protection and development of a variety of habitats. They contributed to the visual landscape by softening the shape of the built environment and could positively affect property values. Trees and woodland areas played a crucial role in the carbon cycle, acting as sinks (absorbing CO<sub>2</sub> from the atmosphere) and stores (retaining carbon in trees and soils) helping to improve air quality and reduce the impact of flash flooding. They also protected soil from erosion and reduced sediment run-off.

In 2009, the Authority introduced a Tree Management Policy. The policy was a framework which set out how the Authority protected and managed its trees. It was also a reference

point to enable a consistent approach towards tree management. The policy was reviewed in 2010 and again in 2016, to take into consideration quality of life issues and to include a comprehensive list of tree species recommended for specific land types or locations. The policy took into consideration the Authority's Biodiversity Action Plan. In relation to biodiversity, trees provided a stable eco-system where wildlife such as birds, animals, insects and plants thrived. The policy also took into consideration other sustainable development policies, which sets out management objectives for managing specific areas such as open spaces, schools, cemeteries, housing estates and parks.

In July 2019, full Council declared a Climate Emergency, setting a target to reduce the carbon footprint of the Authority and the borough by 50% by 2023, and to be carbon neutral by 2050. Subsequently, in further acknowledgement of the urgency of the Climate Emergency, the refreshed Our North Tyneside Council Plan 2021-25, approved by full Council in September 2021, included the following ambition: "We will publish an action plan of the steps we will take and the national investment we will seek to make North Tyneside carbon net-zero by 2030." Protecting existing trees and increasing tree planting, woodland and canopy cover would form a key part of the carbon net-zero 2030 plan that Cabinet would consider in 2022.

In November last year, the Executive Leadership Academy for Elected Members was launched. Participants were supported by officers to explore a policy issue of interest. The Authority's Tree Management Policy was subsequently selected as a policy of interest by Councillor Thirlaway, a participant on the Executive Leadership Academy, in recognition of the importance that trees had on reducing carbon emissions from the atmosphere.

A working group was established including Councillor Thirlaway and council officers, to review the existing Tree Management Policy. As part of this work, changes were made to the Authority's Tree Management Policy. It was also recognised that a new Tree Planting Strategy should be developed, to support full Council's declaration of a Climate Emergency.

In July this year, the Authority, together with other Local Authorities in the region including Newcastle, South Tyneside, Sunderland, Gateshead and Durham were successful in securing funding to establish a North East Community Forest, with the ambition to plant 500 hectares of woodland by 2025. This funding supported the objectives set out in the Tree Planting Strategy.

On 7 September 2021, the refreshed Tree Management Policy and draft Tree Planting Strategy was presented to the Authority's Environment Sub-Committee for comment and consideration.

As part of the conclusion of the Executive Leadership Academy, Councillor Thirlaway presented this policy development work to Cabinet Members, which was supported to be taken forward for a decision and implementation.

Cabinet considered the following decision options:

Option 1 - to accept the proposed Tree Management Policy changes and the introduction of the Tree Planting Strategy.

Option 2 - to not approve the proposed Tree Management Policy changes and introduction of the Tree Planting Strategy.

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Option 3 - to request changes to the Tree Management Policy and Tree Planting Strategy, prior to further consideration by Cabinet.

**Resolved** that the revised Tree Management Policy and introduction of the Tree Planting Strategy, as detailed in Appendices 1, 2 and 3 of the report, be approved.

(Reason for decision: The Tree Management Policy has been updated to incorporate legislative changes and includes a new section on climate change.)

Agreeing the recommendations set out in paragraph 1.2 of this report will support the delivery of the Our North Tyneside Council Plan 2021-25 carbon net zero 2030 ambition and the additional benefits that protecting existing trees and increasing tree planting, woodland and canopy cover can bring.)

### **CAB81/22      Review of North Tyneside Council Lettings Policy**

Cabinet considered a report which sought approval of the reviewed North Tyneside Council Lettings Policy.

It was considered best practice to undertake a review of the Policy every two years and the last review was completed in 2019. It was timely to consider the impact of the changes made to the Lettings in 2019, to confirm that those changes had had the intended outcome.

Since the review of the Policy in 2019, there had been a number of legislative changes, which were linked to the Lettings Policy. Therefore, it was important to consider those legislative changes during the review, to ensure that the policy met these requirements and that it was fit for purpose.

The review of the Lettings Policy had taken into consideration all relevant legislation, issues identified during the operation of the current Lettings Policy and feedback from consultation with Members, staff, tenants / potential tenants, residents and key stakeholders. It was to be noted that North Tyneside Lettings Policy had received positive recognition by other Local Authorities within the Tyne and Wear area.

Focus had also been given to the outcome of the previous review, carried out in 2019. This included changes to:

- Financial Resources
- Transfer (North Tyneside Council Tenants)
- Restrictions on Bidding
- Home Offers

Since the implementation of the Authority's Lettings Policy in 2019, key legislative changes had been enacted, namely: -

- Domestic Abuse Act 2021.
- EU Settlement Scheme covered by Right to Rent under Immigration Act 2016.
- The Armed Forces 2020.

Having carefully reviewed the Authority's 2019 Letting Policy attached at Appendix 1 to the

report against the requirements imposed on the Authority by the legislation set out above, it was clear that the Policy already met those requirements, and that the Policy was fit for purpose in that regard.

A summary of the changes introduced by the Authority's 2019 Lettings Policy were set out in the report. Significantly, the changes that were introduced then, had had the intended outcome and all of the changes implemented operated effectively.

Having carried out a thorough review of the North Tyneside Lettings Policy, it had been identified that there were no material changes to be made. That the Policy remained fit for purpose following the legislative changes as referenced in section 1.5.3 of the report. The only changes made were minor amendments to text, to provide greater clarity to the existing policy.

Cabinet considered the following decision options:

Option 1 - to accept the recommendations set out in paragraph 1.2 of the report.

Option 2 - to accept the recommendations, subject to amendments as specified by Cabinet.

Option 3 – to not approve the recommendations and refer the content of the report back to officers for further consideration and consultation.

**Resolved** that the North Tyneside Council Lettings Policy, as set out in Appendix 1 to the report, be approved.

(Reasons for decision: The review has highlighted that the current policy is fit for purpose and continues to support the efficient and effective management of the housing register and allocation of the Authority's homes. It also continues to play an important role by ensuring those in greatest housing need are accommodated

The proposals enable the Authority to continue to comply with statutory duties with no material changes to the current 2019 Lettings Policy.)

### **CAB82/22      Review of the North Tyneside Hackney Carriage and Private Hire Licensing Policy**

Cabinet considered a report seeking approval to undertake public consultation on an amended North Tyneside Hackney Carriage and Private Hire Licensing Policy.

The Authority was the licensing authority for hackney carriages (taxis) and private hire vehicles (PHVs), their drivers and their operators, for the Borough. The overall aim of the licensing scheme was to ensure the safety of the public.

The North Tyneside Transport Strategy, approved by Cabinet in May 2017, commits to managing North Tyneside's transport network effectively, considering all forms of travel including taxis and PHVs and sets out how the Authority would support the safeguarding of vulnerable people, such as through hackney carriage and private hire licensing policies and the design of infrastructure.

The North Tyneside Local Plan notes that taxis and PHVs would continue to play an important role in the wider transport network and that opportunities to integrate them with

other modes of transport would be explored. The regional North-East Transport Manifesto sets out objectives to integrate taxis into the public transport network with better interchange and information, ensure high standards of licensing and provision, and encourage greater use of low emission technologies in taxi fleets.

The Authority licensed around 141 taxis, 651 PHVs, 878 drivers and 19 operators in the Borough. These licenses had been granted in accordance with national legislation and consideration of the Policy. The licensing service was based at the Killingworth site, and it was responsible for administering and enforcing the licensing scheme. The Policy included information on legal requirements, procedures and standards relevant to taxi and PHV licensing. The Policy was last reviewed in February 2020 prior to the release of the new Statutory National Standards for taxis and private hire vehicles.

The legislation which governed taxi and PHV licensing had been in place for a considerable period of time. This had been subject to previous review and amendment and in 2014, the Law Commission was asked by the Government to consider the legislation relating to taxis and PHVs. Whilst the Law Commission's report acknowledged that the licensing of taxis and PHVs was a "fiercely local" matter, it nevertheless recommended the introduction of national standards.

Some of the recommended changes were introduced through the Deregulation Act 2015, for example: extending licences from one year to three years, and allowing sub-contracting between operators.

The current Policy was updated in February 2020, subsequent to this in July 2020 the Department for Transport (DfT) produced the Standards under the Policing and Crime Act 2017 which, as stated, the Department expected to be implemented by all licensing authorities.

The Government had issued statutory taxi and private hire vehicle minimum standards to licensing authorities entitled, 'Statutory Taxi & Private Hire Vehicle Standards' ("the Standards"). The Standards outlined how licensing authorities should carry out their licensing functions in relation to Hackney Carriage (taxis) and Private Hire vehicles, drivers and where appropriate operators. Although the minimum standards focused on protecting children and vulnerable adults, all passengers would benefit from the application of the Standards.

It was clear that central government expected the recommendations contained in the Standards to be implemented unless there was a compelling local reason not to. As a result of that expectation, it had been necessary for the Authority to review its Hackney Carriage and Private Hire Licensing Policy ("the Policy") in light of the recommendations contained in the Standards. It was in this context that a review of the Policy was commenced.

An officer working group was set up to commence the review of the Policy and make the required amendments to the Policy to reflect the new Statutory Standards.

As part of the consultation process the views of all Members of the Authority would be sought. To this end, the Monitoring Officer at the start of the consultation period would write to all Members inviting them to make any comments they had on the Policy and to forward those to the Public Protection Manager. This would enable any views received from

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Members and/or the Regulation and Review Committee together with any other consultation responses to be taken into account when the decision on adopting the Policy was taken by Cabinet.

A revised draft Policy for consultation purposes had been formulated and this was included in Appendix 1 to the report.

The key amendments proposed to the Policy included:

- Introduction of Basic Disclosure and Barring Service (DBS) criminal record check for vehicle proprietors
- Requirement of operators to maintain a register of booking staff and confirmation they have had sight of a Basic DBS certificate for such staff
- Periods for individuals to be free of convictions to be able to hold a licence has changed in line with the Standards
- New Passenger Guidance document
- The Authority making a referral to the DBS and the police following refusal/revocation of a driver's licence where appropriate.

A summary of the amendments was included in Appendix 2 to the report.

It was proposed that a process of public engagement on the proposed updated Policy would commence on 7 February 2022 for 6 weeks. This would include appropriate engagement through the Engagement Hub with residents and businesses including representatives of the taxi and PHV trade; Regulation and Review Committee; and all Members.

At the conclusion of the consultation period the draft Policy would be brought before Cabinet for its consideration.

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 Director of Environment, Housing and Leisure, be authorised to commence public consultation on the revised draft North Tyneside Hackney Carriage and Private Hire Licensing Policy at Appendix 1 to the report; and (2) at the conclusion of the public consultation period the draft North Tyneside Hackney Carriage and Private Hire Licensing Policy be brought before Cabinet for its consideration.

(Reason for decision: To ensure that the existing Policy is updated in accordance with the Standards. This will also ensure that the Policy remains transparent, accountable, proportionate and consistent.)

### **CAB83/22      Compulsory Purchase Order (CPO) in Respect of Land at former Tyne Brand Factory, North Shields**

Cabinet considered a report which outlined a Compulsory Purchase Order (CPO) proposal in respect of the various land interests at the Tyne Brand Site, North Shields, shown on the plan (within the area in dark outline) attached at Appendix 1 to the report.

The former Tyne Brand factory site was a complex development site in multiple ownership.

Over the years there had been a number of reported efforts by private developers to purchase those land interests with a view to bringing forward housing development on the site. However, these had been unsuccessful, and the site had remained an eyesore and undeveloped for in excess of 40 years.

Following the approval of the North Shields Master Plan in January 2021 and with no realistic prospect of the site being brought forward for development without public sector intervention an application was made to the North of Tyne Brownfield Housing Fund.

Grant funding had been secured to assemble and remediate the site on the basis of adopting a staged approach to achieving its onward redevelopment. The first stage of this approach included two key deliverable outcomes; these were to develop an Acquisition Strategy and a Demolition/Site Clearance Strategy by December 2021.

An Acquisition Strategy would set out how the Authority could acquire the remaining interests on the site. In the first instance this would be via negotiation with those landowners willing to engage. However, in order that the land interests could be acquired in a timely manner the potential use of CPO powers must be a consideration.

A Demolition/Site Clearance Strategy would set out how the demolition and site clearance of as much of the site as feasible to facilitate safe access for more detailed Stage 2 site investigations could be achieved.

In terms of the use of CPO powers, under section 226(1)(a) of the Town and Country Planning Act 1990 a local authority had a power to acquire compulsorily any land in their area in order to facilitate the carrying out of development, redevelopment or improvement on or in relation to the land.

In order to exercise such powers, the Authority must be satisfied that the proposed development, redevelopment or improvement was likely to contribute towards any of the following objectives:

- the promotion or improvement of the economic well-being of their area;
- the promotion or improvement of the social well-being of their area; or
- the promotion or improvement of the environmental well-being of their area.

The site was part of a wider regeneration plan which was a valid reason to use CPO powers.

To use its CPO powers the Authority must also demonstrate a number of further requirements:

A scheme for the site – the site has been problematic for several years and was an ideally placed gateway housing site for delivery of the Authority's Masterplan ambitions. As such, it was anticipated that once the site was assembled and remediated, suitable development options, including an appropriate planning application, would be brought forward. Housing concepts were shared during the initial Masterplan engagement exercise and which the Authority had discussed with some of the landowners. It was proposed that wider Statement of Reasons would confirm the work required to halt the further decline of the site, its impact on the immediate locality and an agreed housing development scheme.

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A budget available to execute it – initial investment from the North of Tyne Combined Authority of £4.3m was being secured from the Department for Levelling Up, Housing and Communities (DLUHC) Brownfield Housing Fund to bring this site forward for development. As noted above, the availability of a fully assembled and remediated site in this desirable location was likely to lead to significant developer interest in due course. The wider “Statement of Reasons” would confirm the funding model most appropriate for the onward redevelopment of the site before making a CPO.

Tried all other ways to secure the site by agreement - the proposed approach to reach negotiation first was set out above in line with the Acquisition Strategy.

The “Statement of Reasons” would be submitted for formal approval in accordance with the recommendations in section 1.2 of the report.

Cabinet considered the following decision options: to either accept the recommendations as set out in paragraph 1.2 of the report, or alternatively, to not approve the recommendations and request that officers look at other options available to the Authority.

**Resolved** that (1) the Chief Executive, in consultation with the Director of Commissioning and Investment, the Elected Mayor, the Deputy Mayor, the Director of Resources, the Director of Law and Governance and the Director of Regeneration and Economic Development, be authorised to:

- a. invoke Compulsory Purchase powers under section 226(1)(a) of the Town and Country Planning Act 1990 for the acquisition of the former Tyne Brand site, North Shields, within the area in dark outline on the plan attached at Appendix 1 should the site not be acquired by negotiation;
- b. agree a final “Statement of Reasons” that would be submitted with the Order to the Secretary of State for Levelling Up, Housing and Communities providing the justification for pursuing a Compulsory Purchase Order based on the information given in Section 1.5 of the report;
- c. agree a “Scheme” for the onward development of the site;
- d. take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order, including the conduct of a Public Inquiry (if appropriate) to obtain confirmation of the Order by the Secretary of State; and

(2) the Order to be named “Former Tyne Brand site, North Shields Compulsory Purchase Order 2022”, be approved.

(Reason for decision: This will provide a clear legislative process for the Authority to secure ownership of the site, stop its further decline and negative impact on that locality and prepare the land for onward development.)

### **CAB84/22 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 items of business on the grounds they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act.

**CAB85/22      0.86 of a Hectare of Land at Sandy Lane, Wideopen**

Cabinet considered a report seeking approval to declare 0.86 hectares of land at the east end of Sandy Lane in Wideopen, shown on the plan (within the area in dark outline) attached at Appendix 1 to the report, surplus to the Authority's requirements and to make it available for freehold sale and development as detailed in the report.

The extent of the site shown on the plan at Appendix 1 formed part of the wider Weetslade Employment Site as designated in the Local Plan 2017 to 2032.

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 0.86 hectares of land at the east end of Sandy Lane shown on the plan (within the area in dark outline) attached at Appendix 1, be declared as surplus to the Authority's requirements and the sale of it subject to the main terms detailed in Section 1.5 of the report, be approved;  
(2) the Director of Commissioning and Asset Management, in consultation with the Elected Mayor, the Director of Resources and the Director of Law and Governance, be authorised to agree any reasonable revisions to the terms of the sale of the site;  
(3) the Director of Law and Governance, be authorised to negotiate and enter into a lock-out agreement, site investigation licence and conditional sale contract together with associated documents and complete the freehold transfer of the Site in accordance with all relevant legal requirements, the Authority's Constitution and Financial Regulations;  
(4) the Director of Commissioning and Investment, be authorised to deal with all ancillary matters arising that were consistent with the preceding recommendations, and;  
(5) the capital receipt from the sale of the Site being recycled to assist with bringing forward inward investment at Indigo Park or at other allocated employment sites within the Borough, be approved.

(Reasons for decision: It is considered to be an appropriate mechanism to secure investment in the North West of the borough for the benefit of the local economy through the creation of employment opportunities whilst providing a capital receipt to enable other employment sites to be brought forward creating more and better job opportunities for residents.)

**CAB86/22      Centurion Park Golf Club, Wallsend**

Cabinet considered report which outlined proposals put forward by the Authority's tenant of Centurion Park Golf Club in Wallsend to secure a significant amount of private investment in the Club and the potential development of land; and seeking approval to the surrender and renewal of the existing lease and to declare the land shown on the plan (within the area in dark outline) attached at Appendix 1 to the report, surplus to the Authority's requirement and agree to its sale subject to the main terms detailed in section 1.5.3 of the report.

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 proposals for the surrender of the existing lease and regrant of a new lease of Centurion Park Golf Club on the main terms detailed in Section 1.5.2 of the report,

be approved;

(2) subject to the new lease being completed, the land shown on the plan (within the area in dark outline) attached at Appendix 1, be declared surplus to the Authority's requirements and the sale of the freehold of this land, subject to the main terms detailed in Section 1.5.3 of the report, be approved;

(3) the Director of Commissioning and Asset Management, in consultation with the Elected Mayor, the Director of Resources and the Director of Law and Governance, be authorised to agree any reasonable revisions to the terms of the new lease and to the sale of the site by the Authority, be approved;

(4) the Director of Law and Governance to negotiate and complete the surrender and regrant of a lease and the freehold transfer of the site by the Authority, together with any associated documents in accordance with all relevant legal requirements, the Authority's Constitution and Financial Regulations, be approved and;

(5) the Director of Commissioning and Investment, be authorised to deal with all ancillary matters arising that were consistent with the preceding recommendations.

(Reason for decision: It is considered to be the best way to secure significant private investment in Centurion Park Golf Club and deliver the outcomes and benefits detailed in Section 1.5.4 of the report.)

#### **CAB87/22      Date and Time of Next Meetings**

Monday 31 January 2022 at 6.00pm (Extraordinary Meeting)

Monday 7 February 2022 at 6.00pm (Extraordinary meeting)

Monday 21 February 2022 at 6.00pm (Ordinary Meeting)

Minutes published on Friday 28 January 2022.

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 Friday 4 February 2022.