

Cabinet

Monday, 20 February 2023

Present: Dame N Redfearn DBE (Elected Mayor) (in the Chair)
Councillors C Johnson, C Burdis, K Clark, S Graham,
J Harrison, H Johnson, A McMullen and M Rankin

In Attendance: M Godfrey (Young Mayor)
S Rennison (Northumbria Police)
D Hodgson (Business Representative)
V Smith (Voluntary and Community Sector)
D McNally (Age UK, North Tyneside)
R Layton (North Tyneside Joint Trades Union Committee)

Apologies: Councillor S Phillips

CAB96/23 Declarations of Interest and Notification of any Dispensations Granted

Councillor K Clark declared a non-registerable personal interest in agenda Item 5: Determination of School Admission Arrangements September 2024 (CAB99/23), as her grandchildren attended schools in North Tyneside.

Councillor M Rankin declared a non-registerable personal interest in agenda Item 5: Determination of School Admission Arrangements September 2024 (CAB99/23), as his children attended schools in North Tyneside.

CAB97/23 Minutes

Resolved that the Minutes of the previous meetings held on 23 January (Ordinary), 30 January (Extraordinary), and the 6 February 2023 (Extraordinary) be confirmed and signed by the Chair.

CAB98/23 Report of the Young Mayor

Before the outgoing Young Mayor, Max Godfrey, reported on activities he made the following announcements:

On Friday 17 February 2023, Cameron Quinn from St. Thomas More school, was elected as Young Mayor and their pledge was "To ensure that every young person in North Tyneside has the best possible start in life by creating a safe diverse and nurturing environment." Also, Sharon Zeng from George Stephenson High school, elected as Member of Youth Parliament (MYP), and their pledge was "To raise awareness about the importance of financial education in schools, informing students about their financial choices and career choices."

Max said he wished Cameron and Sharon all the best in working to achieve their pledges and was sure Youth Councillors would support both in achieving them, as they had supported MYP Hannah and me to achieve ours. He also commented that as this may be

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his last time at Cabinet thanked everyone for all the opportunities to represent young people and had enjoyed his time in the role.

Max then reported on the following activities in which he and Young Cabinet Members and/or Youth Councilors had been involved:

- Many of the Youth Council Environment Committee and Young Mayor had taken part in the tree planting in the Northwest of the borough as part of the North East Community Forest project and attended St Columbus Primary School to help with the planting in the school grounds as part of their Eco Schools Award.
- The Young Mayor's pledge to encourage as many schools as possible to register for the Eco school Award, had now registered fifty-one schools which was a huge increase. Max thanked the Cabinet Member for Environment and the Authority's Sustainable Environment Team for all their support and who visited schools in the borough to raise awareness on recycling and the Eco Schools Award.
- The Young Mayor thanked the Cabinet Member for Environment and the Authority's Head of Environmental Sustainability for attending the last Environment Committee meeting which helped the young people to learn about the work that was being undertaken by North Tyneside Council as part of the Action on Climate Change.
- The fundraising for Walking With had gone well over the year and most money raised had been from the Morrisons request for donations from shoppers during the third fundraiser of the year in Whitley Bay and raised a further £85.81, which 1 and was added to the running total making the final amount of £703.67. The money would be presented to walking With at the March Youth Council meeting. 150 large bags of groceries had also been generously donated which were greatly appreciated.
- Members of the Youth Council, SEND Youth Forum and Children's in Care Council were working with the Independent Scrutineer for the Children's Safeguarding Partnership, in helping to co-produce a video informing young people of the Partnership and how they can get help around young people's safeguarding.
- The SEND Youth Forum had been busy making films around School Nurses and Education, Health, and Care Plans and why it was important to hear the voices of children and young people in these. The videos would be used at staff conferences and on the Authority's SEND Local Offer and website.

The Elected Mayor thanked the Young Mayor for his update and congratulated him and all the young people for their excellent and valuable work over the last year. The Elected Mayor and her Cabinet were proud of Max and MYP Hannah and welcomed them both in their future roles. These accolades were echoed by Cabinet Members and the Authority's partner representatives present.

CAB99/23 Determination of School Admission Arrangements 2024

Cabinet considered a report detailing the proposed admission arrangements for all Community Schools in North Tyneside for the 2024/2025 academic year including the coordinated admissions schemes.

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All Local Authorities were required to formulate and consult on a scheme for each academic year for co-ordinating admission arrangements for all maintained schools within their area. Co-ordinated schemes were intended to simplify the admission process for parents whilst reducing the likelihood of any child being left without a school place. Co-ordination established a mechanism that ensured that, as far as was practicable, every child living in a Local Authority (LA) area who had applied in the normal admissions round received one, and only one, offer of a school place on the same day. While it was for each LA to decide the scheme that best suited its residents and its schools, authorities must ensure that they:

- a) complied with law and regulations, including all the process requirements; and
- b) did not disadvantage applications to their schools from families resident in other local authorities.

The Scheme applied to applications received from September 2023 for entry into maintained schools in September 2024. The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 required the LA to exchange specified information on applications with neighbouring Authorities.

The purpose of the Scheme was to co-ordinate admissions into all mainstream maintained first and primary, middle and high schools in North Tyneside. The Regulations also placed a duty on all local authorities to make arrangements within their Scheme for cross-Authority border co-ordination of admissions. The Co-ordinated Admissions Schemes were attached as Appendices 1 and 2 to the report.

All schools had to have an admission number for each 'relevant age group.' Admission Authorities of maintained schools must set admission numbers with regard to the capacity assessment for the school under the Regulations. The Planned Admission Numbers were detailed in Appendix 3 to the report.

Pupils would be able to go to their preferred school unless there were more applications to that school than there were places available. If there were more applications than places available at a school, oversubscription criteria would be used to allocate places after any children with a Statement of Special Educational Needs or an Education, Health and Care Plan had been provided for where the Statement or the Education, Health and Care Plan named a specific school. Admissions Policies for admission to North Tyneside Community Schools and Nurseries for which the Local Authority was the Admissions Authority; and the oversubscription criteria used by the LA where there were more applications than places available were set out in Appendices 4 and 5 to the report.

Where a secondary school operated a sixth form and admitted pupils from other schools at age 16, for instance, an admission number would be required for Year 12 as well as for the main year or years. Admission numbers must refer to pupils being admitted to the school for the first time and not transferring from earlier age groups. The entry requirements for sixth form were largely dependent on the course of study that a student wished to access. Details of specific requirements and courses available may be obtained for individual schools. All schools published information about their post sixteen provision.

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The local authority was responsible for consultation and determining the admission arrangements for community schools in the North Tyneside areas in accordance with the School Admissions Code 2021.

The North Tyneside Learning Trust had been established in September 2010 and currently comprised forty-four schools. The governing bodies of these schools were responsible for determining their own admission arrangements. Five of the schools in the Learning Trust were Special Schools and these arrangements did not apply to them.

The governing bodies of the three Church of England Voluntary Aided Schools and of the thirteen Academies were also responsible for consultation and determining their own admission arrangements. Any school which subsequently changed status would be responsible for determining their own admission arrangements following such change.

Cabinet considered the following decision options: either to agree the recommendations as set out in section 1.2 of the report, or alternatively to disagree with the proposals and request officers undertake further work to change the proposed admission arrangements.

Resolved that (1) the proposed 2024 admission arrangements and limits for Community Schools, as outlined in Appendices 1 to 5 to the report, be approved, subject to the appropriate publication of Statutory Notices;

(2) the Director of Commissioning and Asset Management be authorised to proceed in administering admission arrangements for the 2024/2025 academic year, subject to the publication of Statutory Notices and compliance with obligations required by the Secretary of State in accordance with the timescales set; and

(3) the Director of Commissioning and Asset Management, in consultation with the Cabinet Member for Children, Young People and Learning, be authorised to formally seek approval, as necessary, from the Schools Adjudicator in accordance with the School Admissions Code 2021 for any necessary variations to the determined arrangements for the 2024/25 academic year should these arise.

(Reason for decision: To secure compliance with statutory requirements as outlined in the report).

CAB100/23 Review of the North Tyneside Statement of Licensing Policy (Sex Establishments)

Cabinet received a report seeking approval for the adoption of the revised North Tyneside Council Statement of Licensing Policy (Sex Establishments) as attached at Appendix 1 to the report.

The North Tyneside Council Statement of Licensing Policy (Sex Establishments) was first adopted on 20 January 2011 following the formal adoption by the Authority of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the policy has been regularly reviewed thereafter.

In 2010 the Local Government (Miscellaneous Provisions) Act 1982 ('the Act') was amended to include a new category of sex establishment, namely a sexual entertainment venue. The Council adopted Schedule 3 of the 1982 Act in 2011 to enable the Authority

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to license sexual entertainment venues as well as the existing categories of sex establishments, namely sex shops and sex cinemas.

Although there was no statutory requirement to have a policy concerning the licensing of sex establishments, it had been long established that it was good practice for Licensing Authorities to adopt various non-statutory policies that assisted in the promotion of consistency in decision-making. It also informed the licensing trade and the public of the approach of the Licensing Authority to sex establishment licensing in its area.

The existing policy included a numerical limit on the number of sexual entertainment venues within a specified area of Whitley Bay, namely the area bordered by Whitley Road, Park Avenue, the Promenade and the Esplanade. That limit had been set as nil. That limit did not preclude an application for a licence being made within the specified area that would take the number of licences in the area above the set limit. However, in such a situation the presumption would be to refuse such an application and the applicant would have to make their case as to why the licence should be granted in that particular location contrary to the policy.

There were some statutory exceptions for the need for sexual entertainment venues to be licensed. For example, if sexual entertainment takes place in a premises that had the benefit of a Premises Licence issued under the Licensing Act 2003 on no more than eleven occasions in a 12-month period and no such occasion lasted for more than 24 hours, and there was a month between each occasion, no sexual entertainment licence was required by that premises.

Since Schedule 3 was adopted by the Authority, there had been no applications received for a sexual entertainment venue licence. There were no licences currently issued in relation to sex shops or sex cinemas.

A draft Statement of Licensing Policy had been prepared. The numerical limit of nil for the specified area of Whitley Bay was retained for the purposes of the draft policy and consultees were specifically asked to comment on this aspect of the Policy. The draft Policy had been updated to include the following:

- Updated references to Council Plan
- Reference to Public Sector Equality Duty
- Need for Basic Disclosure Certificate for applicants
- Safeguarding training for applicants.

An engagement period of six weeks had taken place from 10 October to 20 November 2022. An online survey was developed for individuals or businesses to make consultation responses as well as being able to make written responses. Information was made available on the Engagement Hub. At the conclusion of this consultation sixteen responses were received. A summary of the responses was attached at Appendix 2 to the report.

Of the sixteen responses received, all were in support of the revised Policy. In addition, every response received agreed with the imposition of a nil limit for licences in the Whitley Bay area. Northumbria Police commented that all premises previously providing

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adult entertainment on South Parade were no longer trading. In consideration of the responses, no further amendments to the draft Policy were made.

The fees were reviewed annually against any rise or reduction in the cost of administering the licensing regime.

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

Resolved that the adoption the revised North Tyneside Council Statement of Licensing Policy (Sex Establishments) as attached at Appendix 1 to the report, be approved.

(Reason for decision: To ensure that the existing Policy is updated and remains transparent, accountable, proportionate and consistent. The Policy has been subject to a six-week consultation exercise and views expressed during that period have been considered in formulating the final draft document.)

CAB101/23 Disability Employment Charter

Cabinet received a report which sought approval for the Authority to become a signatory organisation to the Disability Employment Charter.

The Disability Employment Charter (“the Charter”) was launched in October 2021 and founded by Disability Rights UK, Disability@Work, the University of Warwick, the DFN Charitable Foundation, Leonard Cheshire, Scope, Shaw Trust Foundation, and UNISON.

The Charter, which was appended to the report, outlined nine areas for the UK Government to consider which would improve disabled people’s employment outcomes. The actions were set out to provide the Government with a road map for change as it developed the next phases of its National Disability Strategy. The areas included in the Charter and the work the Authority was undertaking which already met the measures outlined in the Charter were summarised in the report under the following headings:

- Employment and pay gap reporting
- Supporting disabled people into employment
- Reform of Access to Work
- Reform of Disability Confident
- Leveraging Government procurement
- Workplace Adjustments
- Working with disabled people and their representatives
- Advice and support
- National progress on disability employment

Objectives of the Charter were to increase employment opportunities and job satisfaction for disabled people, reduce disability pay gaps, benefit the taxpayer and support the UK’s post-pandemic recovery by providing employers with the widest possible talent pool to address skills shortages. 129 organisations within the public, private and voluntary sectors had become signatories to the Charter. Public sector organisations who had signed up to the Charter included Adur & Worthing Councils, Kent Fire & Rescue Service, Lancashire & South Cumbria NHS Trust and Lancashire Teaching Hospitals. To

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date there was no confirmation about if or when Government would consider the Charter from a national perspective.

The Authority had a set of corporate equality objectives that guided the Authority's work on equality, diversity and inclusion, three of which aligned with the aims of the Charter:

Equality Objective 2 was to "Create a more inclusive colleague experience within the Authority". Actions under this objective include the introduction of a Disability Policy, a review the Authority's Attendance Management Procedure to ensure a wider focus on health and wellbeing, and a commitment to make the Authority's workforce more representative of the borough's population through a Workforce Development Plan, delivery of an Equality and Diversity Calendar of events and activities and the delivery of an 'Embedding Equality Programme' to make equality and diversity "everyone's business", including the introduction of staff networks with one for staff with disabilities.

Equality Objective 4: "Improve the collection and use of workforce and external equality data". The actions under this objective were to ensure a corporate approach to the collection, publication and use of employee, customer and resident equality data and to develop, monitor and report equality and diversity performance measures.

Equality Objective 5: "Ensure the Authority's buildings, services and communications are accessible", which includes to the implementation of an action plan based on AccessAble's findings.

The actions under these objectives aligned with the aims of the Disability Employment Charter to support the objective of being a more inclusive employer.

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

Resolved that (1) the Authority becomes a signatory organisation to the Disability Employment Charter be agreed; and
(2) the Director of Resources be authorised to take all necessary steps to implement resolution (1) above.

(Reason for decision: It supports the Authority's statutory duty under The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 and the reporting requirements imposed by the Regulations. It also helps to meet the Authority's corporate equality objectives that guides the Authority's work on equality, diversity and inclusion and its aim to be an inclusive workspace.)

CAB102/23 Land at Centurion Park, Rheydt Avenue, Wallsend

Cabinet received a report which presented public representations that had been made to the Authority in accordance with a statutory advertisement confirming the Authority's intention to dispose an area of land within its ownership at Centurion Park, Rheydt Avenue, Wallsend, part of which was classed as public open space.

The Land shown (within the area in dark outline) on the Plan appended to the report, was declared surplus to the Authority's requirements by Cabinet on 24 January 2022. Approval was also given for it to be made available for disposal by private treaty to

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Bellway Homes Limited, for the development of 215 new homes, including fifty-four affordable homes, in respect of which the Authority's Planning Committee gave a "minded to grant" planning approval to the planning application on 17 January 2023, subject to the completion of a Section 106 Planning Agreement.

As the Land was classed as public open space it was subject to the relevant provisions of the Local Government Act 1972. The Authority must therefore give notice of its intention to dispose of the Land in accordance with Section 123 (2A) of the Act and formally consider any representations made. This must be done by placing notices confirming the proposed disposal for two consecutive weeks in a local newspaper. The Authority's intentions were advertised in the Journal newspaper on 7 November 2022, and 14 November 2022, respectively. The closing date for the receipt of representations was set as 2 December 2022.

Prior to the closing date, three representations were made to the Authority all of which were objections to the proposed disposal. These were from a local resident, The Rt Hon Nick Brown, MP, and Wallsend Boys Club. The main points of objection received to the proposed disposal of the land together with officer responses at appropriate intervals were set out in section 1.5.2 of the report.

As part of a strategic review of sport and leisure facilities in the Wallsend area a significant amount of public consultation was undertaken by the Authority prior to the closure and lease of existing facilities to Keeping Inns limited and Wallsend Boys Club. At that time there was a recognised need to replace ageing sport and leisure facilities. This ultimately led to the opening of Hadrian Leisure centre with over £10 million investment in new facilities. This included a state-of-the-art gym, new swimming pools and public access to a new all-weather pitch, multi-use games areas, sports hall, dance studio and a regionally significant climbing wall.

In addition, a new grass football pitch and cricket pitch was provided at Churchill College. The quality and quantity of new facilities available for public use far exceed those closed and subsequently leased out for other use. The new facilities were also built in parts of Wallsend that were much more accessible for the local community. Since that time, the Authority had also supported both Wallsend Boys Club and Wallsend Rugby Club to establish new, quality, facilities in the Wallsend area. Prior to this both clubs did not have a base for match play in North Tyneside.

As part of the disposal of existing facilities at Bigges Main, the Authority leased the existing site of Wallsend Boys Club on a long-term basis for a term of 80 years from 2012. This had enabled the Club, with the Authority's support, to develop the excellent facilities they now had on site including a new artificial grass pitch and new grass pitches as well as changing facilities and car parking.

In addition, land east of St Peters playing fields was leased to Wallsend Rugby Club and support was given to the club to establish two new full size Rugby pitches and a new base for the club was established. At the present time, the Authority was also at an advanced stage to provide a new Sports Hub at St Peters playing fields which would include another new artificial grass pitch as well as changing and other community facilities.

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Finally, as part of the upgrade of Richardson Dees Park, new and refurbished recreational facilities were provided. This included tennis courts, bowling facilities, a multi-use games area, an outdoor gym, a skate park and a large children's play site. Following a strategic review of leisure facilities in Wallsend and across the Borough, significant investment was made in sports, leisure and park facilities for the community.

Cabinet having regard to the objections received and the officers' responses to each objection contained in the report **Resolved** that the objections received in relation to the disposal of the Land at Centurion Park, Rheydt Avenue, Wallsend, shown on the plan (within the area in dark outline) attached at Appendix 1 be set aside, and that authorisation for the disposal of the Land be reaffirmed.

CAB103/23 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.

CAB104/23 Street Lighting PFI Deed of Variation

Cabinet received a report which sought approval to conclude amendments to the Street Lighting PFI Project Agreement by way of a Deed of Variation to reflect the change to LED lighting.

The Authority's Street Lighting Private Finance Initiative (PFI) contract was a joint agreement between the Authority, Newcastle City Council and Tay Valley Lighting (Newcastle and North Tyneside) Limited. It was entered into in 2004 following a European Union compliant competitive procurement process and runs to 2029. As part of the ongoing programme of work to reduce the electricity consumption of the street lighting portfolio and to help deliver the Authority's Carbon Net-Zero 2030 Action Plan, almost 20,000 street lights were to be retrofitted with modern energy efficient LED lighting.

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

Resolved that (1) the content of the report be noted; and (2) the Director of Environment, in consultation with the Director of Resources, the Assistant Chief Executive and Cabinet Member for Environment, be authorised to conclude negotiations to the proposed amendments to the Street Lighting Private Finance Initiative Project Agreement ("the Project Agreement") entered into by the Authority, Newcastle City Council and Tay Valley Lighting (Newcastle and North Tyneside) Limited, and to enter into the Deed of Variation which amends the Project Agreement to reflect the change to the LED street lighting.

(Reason for decision: It will enable completion of the LED retrofitting project which will further reduce the electricity consumption and costs of the street lighting portfolio and will support the delivery of the Carbon Net-Zero 2030 Action Plan.)

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CAB105/23 Date and Time of Next Meeting

Monday 27 March at 6.00pm.

Minutes published on Thursday, 23 February 2023.

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 2 March 2023.