

Cabinet

14 May 2012

Present: Mrs L Arkley (Elected Mayor) (in the Chair),
Councillors E Hodson, D Lilly, P Mason, LJ Miller,
Mrs JA Wallace and GC Westwater

In Attendance: A Caldwell (Age UK North Tyneside)
P Farrell (Northumbria Police)
L Gardiner (VODA)
J Hope (Young Mayor)
D Titterton (Voluntary Sector)

CAB202/05/12 Apologies

Apologies were received from Mr S Neill (Northumbria Police) and Mr C Reed (NHS North of Tyne).

CAB203/05/12 Declarations of Interest

The following declaration of interest was made:

Item 6 (d) – National Joint Council Pay 2012/13 – Payment of £250 for those earning under £21,000 – Consultation with Schools in relation to School Based Employees

Councillor LJ Miller – personal interest – family member employed by a school.

CAB204/05/12 Minutes

Resolved that the Minutes of the meeting held on 16 April 2012 be confirmed, subject to the following correction being made:

Minute No.C195/04/12 – 2012/15 Council Strategic Plan and 2012/13 Budget Implementation Plan – Comments of Overview and Scrutiny Committee

Recommendation (2) replace the words ‘a formal response from Cabinet be provided within two months’ with the words ‘the statutory requirement to respond to the Overview and Scrutiny Committee’s comments within two months be noted; however in the light of the timescales required to progress the Implementation Plan, the Mayor be authorised to provide a formal response on behalf of Cabinet at the earliest opportunity’.

CAB205/05/12 Report of the Young Mayor

The Young Mayor presented her report, which detailed the following:

- Some of the Young Cabinet members were currently busy with GCSE and A/S exams and therefore time committed to Youth Cabinet and Youth Council projects was limited.
- The Young Cabinet Member for Environment had been active attending meetings with the newly formed Green Fingers Group, who were continuing to develop the Adopt a Roundabout Project as well as arranging a clean up/litter pick at Wallsend Forum shops on 15 May 2012.

- The Health and Wellbeing Group were developing a project to raise the issue of young people's mental health. They were also working with other established youth groups who had the same interest.
- The Community Safety Group continued to develop their "Recycled Teenager Project".
- All bands performing at 'The Event' had confirmed and most of the supplementary activities had been booked. Wristband tickets would shortly be going on sale in Sports and Leisure Centres.
- The Deputy Member of the Youth Parliament for North Tyneside had recently reported on the Youth Police Authority event to the Northumbria Police Authority. He had also helped with the short listing for the Chairman's Commendation Awards.
- The Young Mayor had attended the opening of the Phoenix Detached Youth Project after its recent refurbishment and had been involved in the Widening Horizons 4 All meeting.
- The Deputy Young Mayor had attended the Youth 4 Youth Event at the Royal Grammar School which was a variety performance fundraiser organised by Chernobyl Continuity.

The Young Mayor welcomed Ofsted's recognition in their recent report of the strength of the active engagement of children and young people by a well resourced participation service.

The Mayor thanked the Young Mayor for her report and wished her and the other Young Cabinet Members well with their examinations.

CAB206/05/12 Reports from Scrutiny Committees

It was explained that a report of the Overview and Scrutiny Committee in relation to the 2012/15 Council Strategic Plan and 2012/13 Budget Implementation Plan would be considered later in the meeting.

CAB207/05/12 North Tyneside Road Skid Resistance Policy (All Wards)

Cabinet considered a report that requested the adoption of a Road Skid Resistance Policy for North Tyneside. The Policy had been developed as part of the Council's Highway Asset Management Plan (HAMP), which had been approved by Cabinet in December 2011 (Minute CAB111/12/11 refers).

The HAMP contained a commitment to develop a formal road skid resistance policy so that skid resistance could be proactively managed. This was considered to be good practice and supported the Council's work around road casualty reduction.

Engineering Services had produced a database and accompanying map showing all roads that required skid resistance testing. This network of roads had been derived by applying national standards and technical guidance.

Each year the Council would employ a surveying company to undertake grip testing on the roads that required testing. Locations where road grip may be an issue or where wet skidding accidents had occurred would be investigated and considered for improvement work.

Skid resistance improvement work would be prioritised in accordance with available resources and included in the Council's annual highways work programme.

Data obtained from surveys undertaken would be kept and managed within the Highway Asset Management Database. Grip data gathered to date had revealed that the number of grip-deficient sites was relatively low and remedial work would often be undertaken as part of resurfacing schemes that were already planned. At present the work could be managed within existing budgets. If there was an unexpected surge in grip-deficient sites in future years which put pressure on resources, this would be addressed by the erection of slippery road warning signs at minimal cost. Whilst signs would not address the underlying grip problem they would allow the Council to comply with its minimum responsibilities in relation to managing skid resistance on the network.

A copy of the draft Road Skid Resistance Policy document was available on the Council's website and in each of the member group rooms.

Cabinet considered the following decision options: either to approve the North Tyneside Road Skid Resistance Policy, or alternatively not to approve the Policy.

Resolved that the North Tyneside Road Skid Resistance Policy, be adopted.

(Reason for decision – it will fulfil the commitment made in the Highway Asset Management Plan to develop a policy to actively manage skid resistance on the highway network thereby reducing the possibility of road traffic accidents. If the policy was not adopted, the Council would find it more difficult to defend third party accident claims that may be received as a result of wet skidding accidents.)

CAB208/05/12 Community Right to Challenge – Localism Act 2011 (All Wards)

Cabinet considered a report giving details of the initial steps that would assist the Council in preparing for the implementation of the Community Right to Challenge (CRTC) provisions contained within the Localism Act 2011.

A firm commencement date for the CRTC provisions had not been given. The CRTC would allow voluntary and community groups, charities and existing Council employees to submit an expression of interest (EOI) to bid to run services currently provided by the Council. This may relate to the whole or part of a service. Regulations and statutory guidance were awaited which would make further provision about the scope of the scheme, including details of services which would not be subject to the CTRC.

The Council would have to consider EOIs and would only be able to reject them on limited grounds (to be specified in forthcoming regulations). Where an EOI was accepted, a procurement exercise would be triggered. The group or persons that submitted the EOI could bid alongside others in the procurement exercise, which would be undertaken in compliance with the requirements of the Council's Contract Standing Orders, and if applicable, the EU public procurement directives.

The Act enabled the Secretary of State to provide advice and assistance to relevant persons or bodies seeking to prepare an EOI, to participate in a procurement exercise or provide a service under the CRTC provisions. Such assistance may include the provision of financial assistance and the provision of training or education.

An EOI could be submitted at any time and had to be considered unless the Council specified particular periods of time for their submission. An EOI submitted outside of the specified time could be refused. The Council did not know the number of EOIs it was likely to receive under the CTRC. The suggested timescale set out in the report was designed to assist the Council in dealing effectively with any EOIs

Under the provisions of the Act the Council would be required to specify:

- (i) the maximum period between the date the EOI was submitted and the notification of the decision; and
- (ii) the minimum and maximum periods between the acceptance of an EOI and the start of the procurement exercise.

In relation to (i) it was proposed that the maximum period would be six months. It was proposed that EOIs with an estimated contract value of less than £500,000 would be determined by the relevant Head of Service and those with an estimated contract value in excess of £500,000 would be referred to Cabinet for determination.

In relation to (ii), it was proposed that the procurement process resulting from the acceptance of any EOI would begin no sooner than 3 months and no later than 6 months from the date of acceptance of the EOI, for contracts with an estimated value of up to £500,000; for contracts with an estimated value in excess of £500,000 the maximum period between acceptance of the EOI and the start of the procurement process would be 12 months.

The Act required that the Council published details of the specified time periods on the Council's website. In addition, the Council could publish the details in other formats in such manner as it thought appropriate.

Upon the statutory guidance and regulations becoming available, these would be considered and the practicalities of meeting the requirements identified and taken forward, including establishing suitable governance and decision making processes. An officer working group would analyse the regulations and guidance in order to develop suitable processes. Further reports would be brought to Cabinet for consideration as appropriate.

Cabinet considered the following decision options:

Option 1 - To approve the recommendations set out in paragraph 1.2 of the report.

Option 2 - To determine that the Council will accept expressions of interest at any time during the financial year or may revise the periods set out in Option 1.

Resolved that (1) expressions of interest under the Community Right to Challenge provisions of the Localism Act 2011 be accepted and considered from 2013 on an annual basis and between the dates of 1 June and 31 July;
 (2) expressions of interest be determined and submitting bodies be notified of the decision within six months of receipt, as described at paragraph 1.5.9 of the report;
 (3) any procurement process resulting from the acceptance of any expression of interest be commenced within the periods specified at paragraph 1.5.9 of the report, depending on the estimated value of the contract; and
 (4) details of the periods specified in (1) to (3) above be published on the Council's website.

(Reason for decision - to provide clarity as to the time periods within which the Council will accept and consider expressions of interest. In the absence of setting a time period for considering expressions of interest, the Council will be required to consider them upon receipt at any time during the financial year. If the Council does not set out the maximum period between (i) the date of the submission of the EOI and the notification of the decision; and (ii) the minimum and maximum periods between the acceptance of an EOI and the start of the procurement exercise, it will not be complying with the relevant provisions of the Localism Act 2011.)

CAB209/05/12 Appointments to Outside Bodies Exercising Executive Functions 2012-13 (All Wards)

Cabinet received a report regarding proposed arrangements for the appointment of representatives to serve on outside bodies that had executive decision-making powers for the 2012/13 municipal year.

Appendix A to the report set out those outside bodies which had executive functions and required appointments to be made by Cabinet for 2012/13.

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

Resolved that the Elected Mayor be authorised to determine (1) the appointment of representatives to serve on those executive outside bodies set out in Appendix A to the report for the 2012/13 Municipal Year;
(2) any changes to the appointment of representatives to serve on those executive bodies which might arise during 2012/13; and
(3) the appointment of representatives to serve on any new executive outside bodies that may arise during the 2012/13 Municipal Year.

(Reason for Decision – to ensure that the Council is properly represented on external bodies that exercise executive functions.)

CAB210/05/12 North Tyneside Learning Trust - School Support and Development Programme (Previous Minute CAB43/08/11) (All Wards)

Cabinet considered a report which outlined the current and proposed North Tyneside Learning Trust programme of opportunities and support for school-based learners, their families and their staff.

In order to deliver on the agreed priorities of the Trust, a range of development programmes had been designed. The programmes aligned very well with the priorities of the Council Plan and especially around maintaining excellent education, training and employment opportunities, including apprenticeships and working in collaboration with partners. The report gave examples and background to some of the programmes.

Overall all Trust schools had accessed a wide range of courses and programmes with measureable impact. Whilst programmes had been made available for all pupils, Years 6, 10, 11 and sixth formers had been specifically targeted.

The funding for the proposals had been drawn from the allocation of rate relief that Trust schools generated as a consequence of acquiring charitable status through their Foundation (the Learning Trust). As the Trust had been established in September 2010, the total cumulative rate relief included the carried-forward element from the financial year 2010-11 as well as the full allocation for 2011-12 and 2012-13. In addition the Trust continued to seek additional funding on behalf of members to support the programmes.

The Trust remained committed to the principle that schools were stronger together and school to school help with support from partners, including the local authority, was the most robust way forward. The Trust was also mindful of the changing educational landscape, in particular around the forced academy programme for schools who failed to meet floor targets or consistently achieve a satisfactory OfSTED grading. The view of the Trust was that it should keep the schools together where they were able to benefit from local support.

The Trust, with a mandate from its members, had applied and been accepted to become an academy sponsor. This meant that schools that were forced to become academies could be sponsored by the North Tyneside Learning Trust through a new body called the North Tyneside Academy Foundation. The Trust therefore would become responsible to the Secretary of State for the standards at these schools but would maintain the schools within the wider body of the Trust.

Moor Edge Primary had been identified by the Department for Education (DFE) as requiring an academy solution if it was to succeed in providing a good education to its pupils. As a result it had named North Tyneside Academy Foundation as its preferred sponsor. This had been agreed by the local authority and accepted by the DFE. The planned change of status from Trust School to Academy School would be implemented by 1 December 2012 at the latest.

The report was submitted for Cabinet's endorsement on the work of the Learning Trust and the Trust acting as an Academy Sponsor. Should any further schools formally apply to join the Learning Trust this would be reported through to Cabinet as usual.

Resolved that (1) the Learning Trust School Support and Development Programme, be endorsed;
 (2) Cabinet receive further reports with regard to any new schools choosing to join the Trust; and
 (3) the application of the Learning Trust to become an Academy Sponsor, the North Tyneside Academy Foundation, be endorsed.

(Reason for decision – the Learning Trust development programme reflects the Trust strategic priorities that the Council and schools helped to develop. They reflect the tangible benefits of establishing and participating in the North Tyneside Learning Trust.)

**CAB211/05/12 A Vision For Adult Social Care (Previous Minutes
 CAB164/03/11 and CAB165/03/11) (All Wards)**

Cabinet considered a report on the progress made to transform and personalise adult social care services in North Tyneside and sought approval to publish the first Local Account.

Every council in England had to produce an annual report, called the Local Account, instead of producing a report for central government. From now on, the Local Account would be accountable to both the Health and Well Being Board and Local Involvement Networks. Both groups would scrutinise, challenge and ultimately sign off and endorse the Local Account as being a true and accurate account of adult social care in North Tyneside.

This report provided details of the following three areas:

- The impact of ongoing national policy changes and local progress as a result of the Health and Social Care Act 2012,
- Performance in 2011/2012; and
- A look ahead to the vision and priorities for 2012/2013 (personalisation, commissioning and safeguarding) and beyond.

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

Resolved that (1) the national update on policy changes and the local response to these outlined in section 1.5.2. of the report, be noted;
 (2) the performance of Adult Social Care for 2011/2012, as detailed in section 1.5.3 of the report and the Local Account in Appendix A, be noted;
 (3) the vision and priorities for Adult Social Care for 2012/2013, as detailed in section 1.5.4 of the report and the Local Account in Appendix A, be agreed; and
 (4) the publication of the North Tyneside Local Account for Adult Social Care be endorsed.

(Reason for decision – the future vision and priorities for Adult Social Care build on that of the previous three years. The principles of personalisation remain at the centre of this, underpinning a leaner, more outcome focussed and outward facing role for the public sector. The overall aim is to secure a shift to a position where as many people as possible are enabled to stay healthy and actively involved in their communities for longer and delaying or avoiding the need for targeted services. The vision not only affords better outcomes and experiences for those requiring social care support, but enables this to be delivered within the context of current and future demographic and financial challenges.

National guidance on the Local Account states that councils should publish and share their performance for 2011/2012 and outline plans and priorities for the year ahead to residents, adult social care customers and other stakeholders.)

CAB212/05/12 Response to Overview and Scrutiny Studies into (1) Lift Failures in Sheltered Accommodation and (2) the Joint Venture Agreement (Previous Minutes CAB163/03/12 and CAB164/03/12) (All Wards)

Cabinet considered a report on the proposed responses/actions to the recommendations of the Overview and Scrutiny Committee in relation to studies into Lift Failures in Sheltered Accommodation and the Joint Venture Agreement, considered by Cabinet at its meeting on 12 March 2012.

Under section 122 of the Local Government and Public Involvement in Health Act 2007, Cabinet was required to respond to Overview and Scrutiny indicating what (if any) action it proposed to take within two months from the date it received the recommendations.

Lift Failures in Sheltered Accommodation

The Lifts Task Group had been established by the Council's Overview and Scrutiny Committee following a motion approved by Council in November 2011 to investigate issues around the failures of lifts in sheltered accommodation.

The Task Group had found that lifts in a small number of sheltered accommodation schemes were suffering from repeated and in some cases long term breakdown. The Task Group had found that whilst Officers had put in place a programme of remedial support the substantive proposals for lift refurbishment and replacement, which formed part of the Private Finance Initiative associated with the Council's Quality Homes for Older People project, were not due to begin until at least November 2012.

Since the Task Group had begun its work, £300,000 of planned investment had been undertaken into the lifts within the sheltered housing portfolio. In addition proposals had been developed to bring forward lift refurbishment and replacement out with the Private Finance Initiative. The proposals had been costed, included within the Housing Revenue Account Budget and Capital Plan and approved by Council on 15 February 2012.

In addition to this, a corporate risk relating to the management and maintenance of lifts had been raised; and an Internal Audit Review originally scheduled for 2012/13 had been brought forward and was nearing its conclusion.

The Task Group had also explored the proposed review of Warden Services for 2012/13 and had expressed their wish that Members were appropriately involved and kept informed as that review progressed. They were pleased to see the work that was proposed through a Knowledge Transfer Partnership with the University of Northumbria at Newcastle.

The recommendations of the Lift Task Group and Cabinet's proposed response to those recommendations were detailed in Appendix 2 to the report.

Joint Venture Agreement

The Joint Venture Working Group had been established by the Council's Overview and Scrutiny Committee to examine the effectiveness of the Council's joint venture agreement with Kier North Tyneside.

The report set out the working group's findings on how well the joint venture agreement was delivering what the Council intended and made recommendations for Cabinet's consideration aimed at strengthening the joint venture arrangements, improving the quality of the service provided and enhancing value for money.

The Study Group had run for almost a year and many of the recommendations arrived at reflected work which was already underway and commissioned by Cabinet.

The recommendations of the Joint Venture Study Group and Cabinet's proposed response to those recommendations were set out in Appendix 1 to the report.

Cabinet considered the following decision options:

Option 1 - Accept all of the recommendations.

Option 2 - Agree to accept only some or none of the recommendations.

The Cabinet Member for Housing thanked members of the respective working groups for their work in producing the reports and recommendations.

Resolved that (1) Cabinet's response to the Study into Lift Failures in Sheltered Accommodation as set out at Appendix 2 to the report, be agreed; and (2) Cabinet's response to the Study into the Joint Venture Agreement, as set out in Appendix 1 to the report, be agreed.

(Reason for decision – Option 1 is the preferred option in relation to Lifts in Sheltered Accommodation (Appendix 2). Option 2 is the preferred option in relation to the Joint Venture Agreement (Appendix 1), as after due consideration some of the recommendations can not be accepted for the reasons identified in Appendix 1).

CAB213/05/12 Overview and Scrutiny Response to the Council Strategic Plan and 2012/13 Budget Implementation Plan (All Wards)

Cabinet received a report setting out the views of the Overview and Scrutiny Committee in relation to the latest legal advice about decision making; and the 2012/13 Budget and Council Plan Implementation Plan following the Committee's Extraordinary Meeting on 9 May 2012.

Following advice provided to the Council on 1 March 2012, the Committee considered that the previous legal advice that had been given to the Council's Executive / Non-Executive members since the year 2000 - in relation to the process of setting the Council's budget and the effect of a two thirds majority in support of the Council's alternative proposals - appeared to have been flawed.

The Briefing Note circulated on 1 March 2012 and the number subsequent further Briefings that had been received in relation to the Budget and Council Plan had only compounded Members' concerns regarding the credibility of the legal advice received. In particular the advice Mr James Goudie QC had given to the Committee had in subsequent briefings changed.

The Committee therefore considered that:

- Council should request a report from the Head of Legal, Governance and Commercial Services detailing the options available to the Council to seek clarity on the division of responsibilities between the Council and the Executive in relation to the implementation of the Budget and Council Plan approved on 1 March 2012;
- a chronology be provided to the next Overview and Scrutiny Committee giving information about securing the recent advice of Mr Goudie concerning the Budget and Council Plan. This should detail who originally asked for the advice and authority to secure the advice prior to 1 March 2012;
- advice be provided in relation to the power of the Cabinet to contract for services the appointment of an interim senior management post as opposed to the Council's power to appoint Chief Officers;
- a review be undertaken of the Budget Setting Process; and
- further clarification is given in respect of the advice provided regarding Ward Community Budgets and particularly the delegation and process to distribute funds to wards.

It was also noted that the minutes of the Cabinet Meeting of 16 April 2012 as submitted to the 9 May Meeting did not reflect the delegation to the Mayor to agree the response to Overview and Scrutiny, and that this omission would be appropriately addressed.

The Committee had noted the updated Implementation Plan, but would wait until full Council had an opportunity to consider the legal options available to it in relation to seeking clarification of the responsibilities of the Council and the Executive in respect of the implementation of the Budget and Council Plan before making further comments.

Resolved that the report of the Overview and Scrutiny Committee be noted.

**CAB214/05/12 Deferral of Capital Projects (Previous Minute CAB200/04/12)
(All Wards)**

Cabinet considered a report which detailed the current position with regards to the deferral of several capital projects as agreed by Council on 1 March 2012.

The Council Plan and Budget set out a number of proposals relating to delivery of the Council's services. Item 8, of Priority 1, stated that "Uncommitted Capital Spend will be suspended for one year and reviewed at the next budget process".

Those projects identified as not yet contractually committed, together with the associated revenue saving arising from reduced borrowing costs for 2012/13, with details of dates for the individual reports to Cabinet which had/would detail the financial and service impact for each project, were identified in the report as:

Project Name	Capital Expenditure delayed £	Revenue Budget Impact £	Reports to be considered by Cabinet
North Shields Customer First	3,100,000	(55,000)	April 2012
Coastal Development	1,000,000	(25,000)	May 2012
Youth Facilities	1,000,000	(25,000)	May 2012
ICT Strategy	600,000	(10,000)	August 2012
Total	5,700,000	(115,000)	

Cabinet was advised that a report on the Coastal Development would in fact be submitted to Cabinet in June rather than May 2012.

As the report was for information only, no alternative options were available. However, options were/would be contained in each report on the individual capital project.

Resolved that the report be noted.

CAB215/05/12 Voluntary Reduction in Salary (Previous Minute CAB200/04/12) (All Wards)

Cabinet received a report which detailed the outcome of the letter sent to employees earning £50,000 and above seeking their views to a voluntary reduction of salary of 10% as part of the budget proposals agreed by Council on 1 March 2012.

A letter had been sent out to the relevant employees from the Interim Chief Executive on 27 April 2012 stating that if employees wished to accept a voluntary reduction of 10% for the financial year 2012/13 then they should reply to the Strategic HR Manager. The employees had been advised that if they did not respond by 11 May 2012 then it would be assumed that they did not wish to accept a voluntary reduction in salary.

Only 1 response had been received suggesting this individual would be happy to take a reduction in pay as long as other colleagues agreed to do so.

As the proposal was on a voluntary basis, no alternative option was available.

Resolved that (1) the outcome of the consultation with employees earning £50,000 and above be noted; and
(2) the outcome of the consultation be reported to Council.

(Reason for decision - to evidence that Cabinet has sought to reach agreement with the employees concerned and to carry out the Council's budget proposal in relation to the voluntary reduction of salary as agreed at the Council meeting on 1 March 2012.)

CAB216/05/12 City Region Taxi and Private Hire Regulation Body (Previous Minute CAB200/04/12) (All Wards)

Cabinet considered a report which gave an update on investigations that were being undertaken into the viability of establishing a City Region Taxi and Private Hire Regulation Body.

The report was submitted in accordance with the Implementation Plan in relation to the Council Strategic Plan 2012/15 and Budget 2012/13 agreed by Cabinet on 28 March 2012 and outlined the current arrangements for the local regulation of hackney carriages and private hire vehicles, proposals for regulatory reform which were being taken forward by the Law Commission and recent difficulties with local control.

In response to recent issues identified in the report that had been considered by the Council's Regulation and Review Committee, dialogue had commenced with neighbouring authorities to explore standardisation of policies and conditions and the viability of cross-border authorisation of licensing officers to improve enforcement. A working group was being established to enable this work to progress. Initial discussions had taken place with Northumbria Police regarding the current limitations upon the Council's enforcement powers in relation to 'out of area' vehicles and drivers. The Council would respond to the Law Commission's consultation regarding proposed changes to the licensing regime.

The proposal to establish a City Region Taxi and Private Hire Regulation Body would require the agreement of neighbouring licensing authorities regarding their participation and the extent of standardisation of policies, procedures and any delegation or joint discharge of licensing functions. Section 101 of the Local Government Act 1972 enabled local authorities to arrange for their functions to be discharged by another local authority, or for two or more local authorities to discharge their functions jointly (usually by appointing a joint committee). As discussions progressed, further legal advice would be sought as to how those provisions could be applied to any proposed arrangement with neighbouring authorities.

The Council was committed to keeping its Hackney Carriage and Private Hire Licensing Policy under review. A cross-party member working group had been established to assist officers in preparing a revised draft Policy for consultation. On 18 April 2012 the Group had met and considered the matters outlined in the report including the investigation into having a City Region Taxi and Private Hire Regulation Body as proposed by the 2012/15 Council Strategic Plan.

Members had noted that the current Policy had been amended by the Regulation and Review Committee on a number of occasions since its approval in April 2009 to ensure that changes to the Council's regulatory approach were appropriately made. The Group had noted that officers had already commenced the process of addressing both the resolution made by the Regulation and Review Committee on 8 March 2012, in particular in relation to standardisation and the proposal within the 2012/15 Council Strategic Plan. Members had advised officers to continue with this work which together with Law Commission proposals would have a material bearing on how the Council would refresh its current Policy and what its general approach to taxi licensing would be going forward.

Cabinet considered the following decision options:

Option 1 - Note the steps already taken and the work that was underway in relation to exploring closer working arrangements with neighbouring local authorities in connection with the regulatory framework for hackney carriage and private hire licensing and the Council's approach as outlined in the report; and instruct officers in consultation with relevant members to continue investigating the viability of establishing a City Region Taxi and Private Hire Regulation Body.

Option 2 - Note the extent of the work that was currently taking place in relation to the regulatory framework for hackney carriage and private hire licensing and the Council's approach as outlined in the report; and not instruct the Head of Regeneration, Development and Regulatory Services to investigate a City Region Taxi and Private Hire Regulation Body.

Resolved that (1) the steps already taken and the work that is underway in relation to exploring closer working arrangements with neighbouring local authorities in connection with the regulatory framework for hackney carriage and private hire licensing and the Council's approach, as outlined in the report, be noted; and (2) the Head of Regeneration, Development and Regulatory Services be instructed, in consultation with the Cabinet Member for Regulatory Services, the Chair of the Regulation and Review Committee and the Head of Legal, Governance and Commercial Services, to continue investigating the viability of establishing a City Region Taxi and Private Hire Regulation Body.

(Reason for decision - to allow officers to undertake the additional work required in accordance with the proposal in the 2012/15 Council Strategic Plan.)

CAB217/05/12 School Meals and Meals on Wheels Charges (Previous Minute CAB200/04/12) (All Wards)

Cabinet received a report on the options available in relation to setting fees and charges for School Meals and Meals on Wheels as reported to Cabinet on 28 March 2012.

The setting of fees and charges in respect of school meals and community meals had been subject to a report to Cabinet on 2 December 2003 (minute reference CAB190/12/03). That report set out a framework within which all fees and charges would be set. Cabinet had authorised the Head of Services responsible for School Meals and Meals on Wheels (as so designated at that time) to set fees and charges, in conjunction with the relevant Service Director and Cabinet Member taking into consideration the requirements of the Council's budget setting process; the prevailing market situation, including the level of competition and charges levied within other nearby local authorities/service providers; the Council's corporate priorities; and current legislation and directives governing the setting of fees and charges.

The draft Implementation Plan in relation to the Council Strategic Plan 2012-15 and Budget for 2012-13, agreed by Cabinet on 28 March 2012, required a report to be submitted to Cabinet in May to consider alternative options for the setting of fees and charges in respect of School Meals and Meals on Wheels.

School meal prices were based on a standard 2-course school lunch for all Primary, First, Middle, Special and High Schools. Cabinet's original proposals had been to increase the current price of a school lunch from £1.80 to £1.95 from September 2012.

The Community meals price was based on a home delivered 2-course lunch. Cabinet's original proposals had been to increase the current price of Meals on Wheels by 40p from £2.55 to £2.95 from September 2012. In both cases, the proposed price increase took into account price inflation and information provided on prices charged by neighbouring local authorities.

Cabinet considered the following decision options:

Option 1 - Freeze School Meals and Meals on Wheels prices as set out in the Budget agreed by Council on 1 March 2012. With this option the price of a 2 course school lunch would remain at £1.80 and the price of a 2 course home delivered meal via the Council's Meals on Wheels service would remain at £2.55; or

Option 2 - Increase the fees in line with Cabinet's original Budget proposals in respect of these services. With this option, the fees and charges would generate an estimated additional £195,000 of revenue (£178,000 for school meals and £17,000 for meals on wheels).

This figure assumed the same level of business and user numbers as in 2011/12 and was based upon increasing prices from 1 September 2012. The level of actual income achieved would be dependent upon the agreed implementation date.

Resolved that the fees and charges in respect of School Meals and Community Meals (Meals on Wheels), be increased in line with Cabinet's original Budget proposals.

(Reason for Decision - this would generate an estimated additional £195,000 of revenue. This figure assumes the same level of business and user numbers as in 2011/12 and is based upon increasing prices from 1 September 2012. The level of actual income achieved will be dependent upon the agreed implementation date.).

CAB218/05/12 Development of Apprenticeships (Previous Minute CAB200/04/12) (All Wards)

Cabinet considered a report which detailed the options available in relation to the development of the apprenticeship programme with particular reference to the Armed Services, in light of the Council's agreed Budget 2012/13 and Council Strategic Plan 2012/15 and the associated Implementation Plan agreed by Cabinet on 28 March 2012.

Cabinet's original proposals to Council in respect of the 2012/13 Budget were to provide £83,719 to support the further development of the apprenticeship programme particularly with regard to supporting the Armed Forces returning to employment. This was in line with the Armed Forces Community Covenant. This proposal did not form part of the Budget which had been agreed by Council on 1st March 2012.

Following a North East Regional Scrutiny review in January 2011 a number of recommendations had been identified to be actioned by Local Authorities, Health, Department for Work and Pensions and Armed Forces, as identified in the report. There were some specific references to employment and links between the Local Authority and the Career Transition Partnership.

The Council had an existing apprenticeship programme which could have been strengthened had the original funding proposal been approved, and could have provided a particular focus on leavers of the armed services. Specific employers would have been targeted to provide opportunities for armed forces personnel to move into civil society by making a contribution to the salary or providing a bursary.

The costs associated with apprenticeships were subject to national agreement. Apprentice pay scales were set nationally each year and were based on a scale that was dependent on the vocational areas and the type of job they were undertaking. Employing apprentices carried with it financial cost, which small to medium sized businesses were often reluctant to embrace. The additional funding would enable direct support to be given to employers as an incentive to encourage them to participate. This would be realised in the form of bursaries for potential employers.

The costs of employing apprentices, according to age were:

Age	Cost
21 +	£11,457.42
19 - 20	£10,264.54
16 -18	£7,792.20

The original growth proposal could therefore have provided in the region of seven 21+ apprenticeship places for armed forces personnel seeking employment in civil society.

Another alternative would be to support employers to employ adult apprentices particularly ex-armed forces.

Cabinet considered the following decision options:

Option 1 - Agree to take no action in relation to increasing support for Apprenticeships.

Option 2 - Delegate authority as described in paragraph 1.2.1 of the report, to explore alternative funding sources in order to provide an Apprenticeship programme with a specific focus for supporting the Armed Forces.

Resolved that the Head of Schools, Learning and Skills be authorised, in consultation with the Strategic Director of Finance and Resources, the Head of Legal, Governance and Commercial Services, the Elected Mayor and the Cabinet Member for Finance, to explore alternative funding options for the Apprenticeship Programme.

(Reason for decision - Exploring alternative funding would enable the Council to develop its Apprenticeship Programme including a particular focus on opportunities for Armed Forces Personnel to return to work.)

CAB219/05/12 Youth Facilities (Previous Minute CAB200/04/12) (All Wards)

Cabinet considered a report which detailed proposals for a revised Youth and Play Capital Investment Strategy in the light of the changes to the Council Capital Plan as part of the Council's Budget setting process and the 2012/2015 Council Strategic Plan.

On 12 March 2012 Cabinet had considered a report outlining a Play Capital Investment Programme that would deliver a Borough-wide network of youth and play facilities for children aged 8 – 19 in partnership with voluntary and community sector providers, key Council services, businesses, schools, the police and NHS services (minute CAB173/03/12 refers).

Cabinet, in its initial Budget proposals, had identified £1m in the Capital Plan for both 2012/13 and 2013/14 to enhance facilities for children and young people. The decision by Council to defer the Capital funding for 2012/13 meant that identified projects would no longer be able to be delivered as per the original Cabinet approval

Cabinet had also previously agreed that any uncommitted capital balances from the 2011/12 programme would be used to launch a play and youth investment programme (Youth and Play Capital Investment Pot) to support youth and play across North Tyneside. The current level of funding available to support this initiative was £0.830m. The benefits of the Capital Investment Pot were set out in the report.

Any funded activities would support the outcomes of the Children and Young People's Plan, benefit the local community and offer good value for money. The involvement of young people, especially disadvantaged young people, was central to this activity.

The investment pot would act as leverage to attract additional funds from the charitable sector, businesses, partner agencies, and from national government through the Positive for Youth programme that would deliver a borough-wide network of youth and play facilities. Delivery agents would be invited to bring forward proposals to develop new facilities or revitalise existing provision.

Any expressions of interest for funding via the Youth and Play Investment Pot would target those communities identified as 'hotspots' for anti-social and/or risk taking behaviour by young people and increase or improve the facilities which targeted young people who were "at risk" or came from "complex and challenging families". The criteria for expressions of interest were detailed in the report.

If agreed, initial applications would be invited by interested organisations for submission by the end of June 2012 with decisions made by the end of July 2012. Should expressions of interest or allocations not fully commit the available grant, a further bidding opportunity would be considered in September 2012.

Cabinet considered the following decision options:

Option 1 - To agree the proposals that take forward the revised youth and play investment programme for the borough.

Option 2 - Not to agree the proposals and for the Strategic Director for Children, Young People and Learning to consult further and formulate alternative delivery arrangements.

Resolved that (1) the revised Borough-wide Capital Investment Programme for the Youth and Play Investment Strategy to enhance positive activities for young people be approved;

(2) the Strategic Director of Children, Young People and Learning be authorised, in consultation with the Cabinet Member for Children, Young People and Learning and the Elected Mayor, to finalise the process for the allocation of funds; and

(3) the Strategic Director of Children, Young People and Learning, in consultation with the Cabinet Member for Children, Young People and Learning, the Strategic Director of Finance and Resources, the Head of Legal, Governance and Commercial Services and the Elected Mayor, be authorised to:

- (a) undertake a selection process of appropriate providers based on expressions of interests received;
- (b) award a grant agreement(s) to successful applicants; and
- (c) deal with any ancillary matters arising from the above resolutions.

(Reason for decision - the Council is no longer able to support the investment opportunities at both Dove Marine Laboratory and Whitley Bay Dome during the 2012/13 financial year. Cabinet is asked to approve Option 1.

Youth and play continues to be an important and valuable part of the Borough's offer to young people. By continuing with the Youth and Play Investment Pot and the establishment of diversionary activities, the aims of Priorities 3 and 5 as outlined within the Council's Strategic Plan 2012-15 are fulfilled; this will allow young people to contribute to their community and also help improve the life chances of vulnerable young people.)

CAB220/05/12 Proposed Removal of Pool Car (Previous Minute CAB200/04/12) (All Wards)

Cabinet considered a report which detailed the options in relation to the Budget proposal to delete the remaining Pool Car, in order to save £0.005m, in accordance with the Implementation Plan agreed by Cabinet on 28 March 2012 in relation to the Council Strategic Plan 2012/2015 and the 2012/13 Budget.

The provision of Pool Cars had originally been introduced following the Council's relocation of staff to Quadrant. Car parking was at a premium and employees were encouraged to travel to work using public transport or alternative methods of travel. In March 2010, 2 Pool Cars had been provided as part of this initiative, to encourage alternative means of travel to and from work, and provide employees with a means of transportation between sites whilst at work. This provision had reduced from 2 vehicles to 1 based on usage data, which had identified that the vehicles were under utilised.

The report gave details of usage (utilisation rate) of the remaining pool car, which was 11.25% of available time. The Council's target for vehicle utilisation was 30%.

The annual hire charge of the vehicle was £4,943 and fuel costs were £436.14. The total annual cost to provide this vehicle in 2011/12 was £5,379.14.

The proposal to delete the Pool Car had coincided with the implementation of the new Quadrant Car Parking Policy that now included a charge for parking. The introduction of car parking charges had been agreed by Council in March 2012 as part of the 2012/13 budget setting process. It was recognised that the introduction of charging for car parking may result in individuals reviewing their personal travel plans.

As part of the new Car Parking Policy the Pool Car had been identified in the Equality Impact Assessment (EIA ref 1592) as being provided to reduce any negative impacts relating to the introduction of the car parking policy. The provision of a Pool Car was also not a legal requirement and if removed, individuals would need to review their individual travel plans in order to undertake work related journeys and claim appropriate travel allowances. This would have to be taken into consideration in the EIA.

Individual employees may have chosen not to apply for a car parking permit, on the assumption that a Pool Car would be available to assist in undertaking work related journeys. There was therefore a potential that demand for the Pool Car may increase. Users of the Pool Car and trade unions had been consulted on the proposal to delete the Pool Car. Employees had found the Pool Car an excellent facility which supported the Council's objectives in terms of sustainability. There were a number of users who supported the Council's Bike to Work Policy and relied on the use of the vehicle for at work travel. There was genuine concern that the introduction of charging for car parking would see further employees reviewing their personal travel plans, and relying on the availability of a Pool Car to assist in undertaking work related journeys, as opposed to using public transport which may not be cost effective and/or a practical use of time.

Cabinet considered the following decision options:

Option 1 - Take no action to delete the Pool Car. There was no provision within the 2012/13 Council Strategic Plan and Budget for the Pool Car. If no action was taken and the Pool Car was not removed, the 2012/13 budget would no longer be in balance as insufficient funds would be available.

Option 2 - Implement Council's proposals and delete the Pool Car. There were no financial implications arising from this option as the saving had been built into the 2012/13 approved budget.

Option 3 - Retain the Pool Car for a further 3 months. This would allow for an opportunity to determine whether the introduction of parking charges at Quadrant led to increased usage of the Pool Car. A further report would then be submitted to Cabinet as to the usage during the three month period and to seek a further decision at that point in relation to the Pool Car. However, there was no provision within the 2012/13 Council Strategic Plan and Budget for the Pool Car. If no action was taken and the Pool Car was retained for a further three months, the 2012/13 budget would no longer be in balance as insufficient funds would be available.

Resolved that (1) the Pool Car be retained for a further 3 months; and (2) a further report be submitted to Cabinet as to the usage during the three month period and a decision be sought at that point in relation to the Pool Car.

(Reason for decision - to enable the opportunity to determine whether the introduction of parking charges at Quadrant leads to increased usage of the Pool Car.)

**CAB221/05/12 Wallsend Boys Club (Previous Minute CAB200/04/12)
(Wallsend, Battle Hill, Howdon and Northumberland Wards)**

(See also Minute CAB230/05/12)

Cabinet received a report on the 2012/2015 Strategic Plan and 2012/13 Budget proposals in relation to Wallsend Boys Club as required by the Implementation Plan agreed by Cabinet on 28 March 2012.

The Club had demolished the building they had occupied on land leased from the Council at Station Road, Wallsend since August 1964 following structural damage due to high winds.

The Club had subsequently confirmed to the Council that the two main issues it faced were the need to manage its finances in the short term so that the service could continue to be delivered without putting the Club's long term future under threat; and in the long term, the need to build a new facility to replace the one demolished at Station Road, their preferred site for this being at their sports pitch facility at Bigges Main, Wallsend.

In order to deal with the short term issue, the Club had downsized some of its operations and made a number of members of staff redundant. It had also asked the Council for support in maintaining as many of its activities as possible.

The report outlined the support offered to the Club by the Council since the closure of their Station Road premises. The operators of Centurion Park (formally Wallsend Sports Centre) had also offered the Club use of facilities on a short term basis.

In addition to current practical support, the Council had provided ongoing financial support to the Club over recent years, as detailed in the report. Other funding received by the Club was outlined in the report. The Club currently had three leases from the Council, two of which covered the site at Station Road, Wallsend and the other covered land at Rheydt Avenue, Wallsend.

The Council Strategic Plan 2012/15 and Budget for 2012/13 proposed that the Council should ring-fence any capital receipts for the sale of the existing Wallsend Boys Club site (Station Road) and that this should be given as a capital grant to the Club to help them towards a new facility.

The Implementation Plan outlined that Cabinet had responsibility for the disposal of land surplus to requirements and accepting any sale proposals.

Outside of the reference in the Strategic Council Plan 2012/15, the question of development of the site for an alternative use had not arisen. However, should the issue arise in the future a 'marriage' of the Council's freehold interest and the Club's leasehold interest would be necessary to facilitate disposal and redevelopment of the land. The development value arising, subject to receipt of planning permission, would be shared between the Council and the Club. The respective shares would be a matter to be negotiated.

Since the closure of the Station Road site, officers had held ongoing dialogue with the Club. In addition, engagement had been undertaken with the wider community and voluntary sector in the Wallsend area as part of a review and mapping exercise of youth provision in the area, to help inform future funding priorities. A summary of existing provision for young people in the Wallsend area was appended to the report.

Cabinet considered the following decision options:

Option 1 - Accept the proposals set out in the agreed Council Strategic Plan 2012/2015 and Budget 2012/13 to ring-fence any capital receipts from the sale of the Station Road site and give this as a capital grant to Wallsend Boys Club.

Option 2 - Note the support previously and currently being given and the status of the Station Road site and grant delegated authority to the Strategic Director of Finance and Resources, in consultation with the Head of Cultural and Customer Services, the Head of Legal, Governance and Commercial Services and the Elected Mayor, to take any decisions on the future of the site and to deal with all ancillary matters relating thereto.

Resolved that (1) the support previously and currently being provided to Wallsend Boys Club, as outlined in the report, be noted; (2) the status of the Station Road site leased to Wallsend Boys Club be noted; and (3) the Strategic Director of Finance and Resources, in consultation with the Head of Cultural and Customer Services, the Head of Legal, Governance and Commercial Services and the Elected Mayor, be authorised to take any decisions on the future of the site and to deal with all ancillary matters relating thereto.

(Reason for decision - to enable the work being undertaken on mapping the voluntary sector youth offer in the Wallsend area to be completed and to consider the options available for the development of the site and any subsequent disposal and the Council's interests in determining any proposal relating to the development of the site.)

CAB222/05/12 Battle Hill Kids Club (Previous Minute CAB200/04/12) (Battle Hill, Collingwood, Howdon, Riverside and Weetslade Wards)

Cabinet considered a report which detailed the options available in relation to Battle Hill Kids Club and wider Kids Club provision across the borough as agreed by Cabinet on 28 March 2012.

In relation to current provision, there were five Kids Clubs operating on a weekly evening term time basis at Battle Hill Primary School, Howdon Kids Community Centre, Seaton Burn Community House, St Paul's Community Project, Willington Quay and Whitehouse Primary School. A team of 3 playworkers at each site provided a range of activities for children aged 8 to 13 over 32 weeks per year. The staff were managed by two Play Development Officers.

A twenty-five pence per child per session charge was levied, which provided approximately £1,000 per annum income. In 2011/12 4,000 visits had been made to the 5 Kids Clubs across the Borough with an average of around 25 children per session.

Cabinet's original business case proposals had reflected the reduction of part time play supervisors and playworkers and subsequently delivering a fortnightly service at all Kids Clubs including Battle Hill.

The Council's agreed Budget 2012/13 proposed that the Battle Hill Kids Club be retained on a weekly basis and other Kids Clubs on a fortnightly basis.

Cabinet considered the following decision options:

Option 1 - Implement the original Cabinet proposals to reduce the frequency of provision from weekly to fortnightly at all five Kids Clubs, with a view to re-establishing weekly provision in the future if additional funding was identified.

Option 2 - Accept the changes agreed in the Strategic Plan and 2012/13 Budget. Battle Hill Kids Club would continue on a weekly term time basis, resulting in a difference between Battle Hill Kids Club and the other four Kids Clubs, which would operate fortnightly. This would create an inequitable balance of provision across the Borough.

Option 3 - Accept the changes agreed in the Strategic Plan and 2012/13 Budget but ensure all Kids Clubs were treated equally. This option would require a further review to be undertaken, considering available resources and changes to the duties of the Play Development Officers towards a more direct delivery approach. This along with an increased use of Playwork Apprentices and Volunteers could enable the Kids Clubs to continue on a weekly basis within existing budgets.

Resolved that Option 3 – accepting the changes agreed in the Strategic Plan and 2012/13 Budget but ensuring that all Kids Clubs are treated equally – be approved.

(Reason for decision – to enable the Kids Clubs to continue on a weekly basis within existing budgets.)

**CAB223/05/12 Seeking Best Value From Contracts (Previous Minute
CAB200/04/12) (All Wards)**

Cabinet considered a report detailing the work being undertaken to seek out best value for contracts and to examine the possibility of offering longer periods for discounted rates, as proposed in the Council Strategic Plan and 2012/13 Budget – Implementation Plan agreed by Cabinet on 28 March 2012.

The commercial activity of the Council's spend was approximately £150m. Analysis of business cases put forward as part of the preparation of the 2012/13 budget showed that expected savings relating to commercial capacity and procurement activity totalled £7.142m. This was 44% of the Change, Efficiency and Improvement (CEI) savings planned for the financial year.

As part of the CEI Theme B (Business) Programme, the Commercial Capacity and Procurement Project (CCPP) had already been seeking to review, critically appraise and evaluate the arrangements in place throughout the Council for securing best value from procurement activity, including the value for money obtained from existing contracts. The main areas of work over the past year had been to concentrate on the highest value contracts, where negotiation was likely to achieve the best return from the resources invested.

The lead responsible Strategic Director or Head of Service had been identified for each of the major supplier relationships for the top 50 suppliers by spend value. Each of these senior officers had confirmed that testing the value for money in these contracts had already taken place, and found to be offering best value in the last 12 months; or that this exercise was underway as part of other projects in place throughout the CEI programme. A similar exercise on assessing value for money was currently underway for the next 200 suppliers by spend value.

At the beginning of each procurement process, when specifications were being drafted, and the strategy was being developed, consideration was given to the optimum length of the contract to be awarded. So that best value could be achieved from the procurement, long term contracts of up to 4 years (or even longer) were usually offered to the market.

Contracts were only ever awarded for a single year where there was a specific business need that determined that this was the appropriate length.

Where contracts were awarded for a period exceeding one year, there was an annual review built into the contract terms. This ensured that any opportunities to improve value for money were formally considered at least once per year in key spend areas.

Where an existing contract was renewed, specialist circumstances may require the use of a waiver to Contract Standing Orders. In such situations where a contract period exceeding a year was advantageous to the business and commercial interests of the Council, a longer contract period would be agreed, and approved through the waiver process. Such a process was always subject to securing compliance with the relevant UK and EU Procurement Rules.

Cabinet considered the following decision options:

Option 1 - to note and endorse the work to seek out best value for contracts as part of the CEI Theme B (Business) Programme.

Option 2 - Cabinet may not wish to note and endorse the approach being taken through the CEI Programme, and to suggest an alternative approach to seeking best value for contracts.

Resolved that the work to seek out best value for contracts as part of the Change Efficiency and Improvement Theme B (Business) Programme, as outlined in the report, be endorsed.

(Reason for decision - it is part of an ongoing established programme within the Council which has made progress to date in achieving best value for contracts.)

CAB224/05/12 Introducing a Local Procurement Policy to Reduce the Council's Carbon Footprint and Create/Support Local Employment (Previous Minute CAB200/04/12) (All Wards)

Cabinet considered a report which detailed the work being undertaken in relation to the Council's approach to local procurement and reducing the Council's Carbon Footprint and creating and supporting local employment as required in the Council Strategic Plan and 2012/13 Budget – Implementation Plan.

Public sector procurement had an important part to play in supporting growth and influencing the way in which business was done in the UK. In addition the Local Government Act 2000 placed a duty on local authorities to prepare a community strategy for promoting or improving the economic, social and environmental well being of their area.

In North Tyneside the Sustainable Community Strategy was developed by the Council with its partners and was the responsibility of the North Tyneside Strategic Partnership. Each partner aligned its relevant plans and strategies to those overall aims for the Borough.

In the case of the Council's procurement planning the Council had produced a Procurement Strategy and a Sustainable Procurement Strategy. The Council's Strategic Procurement Strategy for 2008-2012 was supported by the Sustainable Procurement Strategy. This had meant a range of procurement activity on the part of the Council had had a significant impact on the Council's carbon footprint and had created/supported local employment.

The Council's carbon impact was the consequence of the Council's operations – the services it delivered to the people of the Borough; the Borough's carbon impact was a consequence of life and business in North Tyneside. In both cases, good progress was being made to reduce carbon use in North Tyneside.

Some procurement activity reduced the carbon impact of the Council's operations while some procurement activity reduced the carbon impact of life and business carried out in the Borough.

The report gave details of the Public Contract Regulations 2006 which had a general requirement to be non-discriminatory against any EU Member State. This made it unlawful, and subject to legal challenge, if a public body used the word "local" in any contract notice, or used "local" as criteria for the evaluation and award of contracts.

Where contracts fell below the relevant EU Procurement thresholds, the EU Treaty Principles of non-discrimination, transparency of award procedures and related decisions, equal treatment, proportionality and free movement of goods had still to be applied. This was also coupled with the duty to provide value for money.

In a contract with a value that fell below the EU thresholds it was not prohibited by virtue of the Regulations to take into account location and local sources but the Council must still comply with the EU Treaty Principles.

Incorporating social issues such as carbon reduction and supporting the local economy may only be used as evaluation criteria where they were directly linked to the subject of the contract. It was also possible to incorporate social issues, as part of the contractual obligations with which suppliers must comply.

The Council was also required to comply with its own Contract Standing Orders when seeking goods and services. The Council had approached the opportunity to seek more local supply of goods and services by developing a policy which enabled those undertaking the procurement exercises, where the total expenditure was under £50,000, to invite a quotation from at least one local supplier provided they were capable of fulfilling the Council's requirements.

Any private sector supplier seeking to supply to the Council or otherwise was able to source its own supply chain which may in turn assist local businesses.

The Council's current Procurement Strategy was due to be refreshed. The report gave details of two significant developments i.e. the Council's strategic approach to commercial and procurement activity, fees and charges and the next steps on trading activity; and the inclusion of procurement on behalf of the Council in the scope of the business package of services.

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

Resolved that (1) the report be endorsed; and
(2) Cabinet receive further reports in June 2012 (concerning the Council's proposed approach in relation to Council trading activity) and October 2012 (in relation to the introduction of a Local Procurement Policy to reduce the Council's Carbon Footprint and create/support Local Employment).

(Reason for decision – the June report will provide detail of the proposed next steps in the Council's trading activity. The October report will update on progressing those proposals and reflecting how this work will be developed with a new partner for business services particularly in relation to the development of the local economy as well as providing the opportunity to produce the local Procurement Policy as appropriate.)

CAB225/05/12 Council Strategic Plan and 2012/13 Budget – Implementation Plan (Previous Minute CAB200/04/12) (All Wards)

Cabinet received a progress report on the delivery of items in the Budget 2012/13 and Council Strategic Plan 2012/15 - Implementation Plan. The Implementation Plan, attached at Appendix 1 listed (in summary) a number of proposals contained within the agreed Budget 2012/13 and Council Strategic Plan 2012/15.

The report identified where decisions were to be taken at this and subsequent Cabinet meetings and there were separate reports on the agenda that dealt with some of those items. The Implementation Plan, if approved would need to be amended after Cabinet had reached decisions on those reports.

The Overview and Scrutiny comments on the Implementation Plan were attached as an earlier report in this agenda and Cabinet would have regard to these comments in reaching a decision on this report.

Cabinet considered the following decision options:

Option 1 - agree the revised Implementation Plan and that it be further updated in the light of decisions taken at this meeting.

Option 2 - not to agree the revised actions in the Implementation Plan

Resolved that the revised Implementation Plan be approved and it be further updated in the light of decisions taken at this meeting.

(Reason for decision - Option 1 will enable relevant work on the Implementation Plan to be taken forward in accordance with the timescales identified in the Plan.)

CAB226/05/12 North Tyneside Strategic Partnership (NTSP) – Quarterly Report to Cabinet

The Mayor referred to a letter she had sent recently to Partners which related to the proposal for a representative of the NTSP to give an update report to Cabinet on a quarterly basis. This proposal was welcomed and partners were requested to forward their thoughts/views to the Mayor via email.

CAB227/05/12 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 2 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3, 4 & 5; 3, 4 & 5; 3; and 3 respectively of Part 1 of Schedule 12A to the Act.

CAB228/05/12 National Joint Council Pay 2012/13 – Payment of £250 for those earning under £21,000 – Consultation with Schools in relation to School Based Employees (Previous Minute CAB193/04/12) (All Wards)

It was reported that on 16 April 2012, Cabinet had approved a stand alone payment of £250 for Council employees earning £21,000 or below for 12 months with effect from 1 June 2012 pending a consultation with Schools regarding school based staff and a further report being brought to the May Cabinet meeting outlining the budget implications for the General Fund, Housing Revenue Account and schools' budgets.

The report detailed the outcome of the consultation exercise and set out the financial implications of the proposed payment.

Since the April Cabinet meeting, the Trades Unions had requested that the Council consider making the £250 payment as a lump sum one-off payment.

The responses from schools indicated that although schools understood and supported the principle behind the proposal they did not have the budget provision necessary to fund the costs in each School.

If implementing on the basis of a one-off payment, it would be important to draw up a document that outlined the general principles of how the payment would be made to ensure that the costs associated with the payment were in line with the budget provision.

The report indicated that if the payment was made in the summer months this would increase the cost as more seasonal workers were employed at this time of year. Also, if staff in Community Schools were included in the costs then this would take the overall costs outside of the budget provision by approximately £22,000.

Cabinet considered the following decision options:

- determine whether to implement as a one off payment £250 for Council employees earning £21,000 or below in line with the report; or
- reject the recommendations and substitute an alternative decision.

Resolved that (1) the outcome of the consultation and the position of Schools be noted; (2) the £250 one-off payment as outlined in the report be paid to Council employees earning £21,000 or less including those in Community Schools; (3) the financial implications of the payment on the General Fund, Housing Revenue Account and Schools' budgets, set out in the report, be noted and approval be given to the use of the Strategic Reserve to fund any cost above the 2012/13 budget provision in accordance with the Reserves and Balances policy; and (4) arrangements to ensure that the payment is made to Council employees, as outlined in the report, be approved.

(Reason for decision - Making the payment a one off payment will enable the integrity of the national pay spines in relation to Green Book employees and Youth and Community Workers to be maintained including the job evaluation scheme that underpins the pay and grading structure that the Council has adopted. This ensures that there are minimum risks around equal pay claims being generated by a more permanent change to the pay and grading structure outside of the national negotiating framework. This will also maintain the pay and grading structure agreed locally for Craft Workers. It also has the support of the recognised trades unions.)

CAB229/05/12 Introduction of 36 Hour Working Week (All Wards)

Cabinet received a report on the outcome of the consultation exercise that had been carried out with Trades Unions following Council's agreement at its meeting on 1 March 2012 to introduce a 36 hour working week for Council employees as part of the Budget proposals.

UNISON and GMB had responded to the consultation and had made it clear that they were not prepared to step outside of Part 2 of the "Green Book" National Agreement on terms and conditions of employment and the equivalent provisions in the other national agreements and were not willing to negotiate to bring in these changes.

Alternative options would be to terminate existing contracts of employment and offer employees re-engagement on new terms or obtain individual agreement for each employee to the changes. If individual agreement could not be obtained then there would still be a requirement to terminate and re-engage.

There were significant employment risks associated with termination and re-engagement as set out in the report.

Cabinet considered the following decision options:

- recommend to Council that based on the outcome of the consultation with the trades unions the proposal on the 36 hour working week is not taken forward.
- reject the recommendations and substitute an alternative decision.

Resolved that the outcome of the consultation be noted and on this basis it be recommended to Council that the proposed reduction in the working week to 36 hours for Council employees is not taken forward.

(Reason for decision - The recognised Trades Unions have confirmed that they are not prepared to negotiate on a 36 hour working week and the risks associated with individual negotiation or termination and re-engagement outweigh the benefits to the Council that would be achieved by a reduction to 36 hours per week.)

CAB230/05/12 Wallsend Boys Club (Battle Hill, Howdon, Northumberland and Wallsend Wards)

(See also Minute CAB221/05/12)

Cabinet received a report on the financial implications linked to the disposal of the Station Road site.

CAB231/05/12 Alternative Management of the Rising Sun Country Park Café (Killingworth Ward)

Cabinet received a report which sought approval to carry out a procurement exercise in order to appoint a provider to undertake alternative management arrangements for the Rising Sun Countryside Park Café and obtain approval to grant a lease for the operation of the Café upon agreed terms to the preferred provider.

The procurement exercise was required to progress efficiencies relating to potential alternative management arrangements for the Café approved by Council as part of the Council's Budget for 2012/13.

Cabinet considered the following decision options:

- approve the recommendation to proceed with the procurement process to seek a provider for the alternative management of the Café at Rising Sun Country Park.
- not approve the recommendation.

Resolved that (1) the Head of Cultural and Customer Services, in consultation with the Elected Mayor, the Strategic Director of Finance and Resources and the Head of Legal, Governance and Commercial Services, be authorised to:

- (a) undertake the procurement and appointment of a service provider to deliver the Café at the Rising Sun Country Park (including the delivery of catering to the Conference facilities at the Park);
- (b) determine the service specification and key evaluation criteria against which tenders received will be evaluated;

- (c) determine the duration of the contract;
 - (d) award a contract to the preferred provider; and
 - (e) deal with any ancillary matters arising from the above resolutions; and
- (2) the Senior Manager, Strategic Property be authorised to:
- (a) in accordance with the Officer Delegation Scheme, grant a lease for the operation of the Café on negotiated terms and for a duration commensurate with the term of the service contract; and
 - (b) deal with any ancillary matters arising from the above resolution.

(Reason for decision - alternative management of the Café is forecast to realise savings in 2012/13 and 2013/14, identified in the report, as part of the Council's Change, Efficiency and Improvement Programme. If the Café were to remain with the Council, these savings would need to be realised through exploration of other efficiency options within Cultural and Customer Services.)

CAB232/05/12 Date and Time of Next Meeting

6.00 pm on Monday 11 June 2012.

Minutes published on Thursday 17 May 2012.

The effective date for implementation of decisions contained within these Minutes (unless called in by 3 Non-Executive Members for consideration by the Overview and Scrutiny Committee) is 25 May 2012.