

# Cabinet

**12 November 2012**

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

**In Attendance:** D Rose (Business Representative)  
L Gardiner (VODA)  
J Hope (Young Mayor)  
S Neill (Northumbria Police)  
D Titterton (Voluntary Sector)

## **CAB111/11/12 Apologies**

Apologies were received from A Caldwell (Age UK North Tyneside) and M Cushlow (NHS North of Tyne).

## **CAB112/11/12 Declarations of Interest**

There were no declarations of interest made.

## **CAB113/11/12 Minutes**

**Resolved** that the Minutes of the meeting held on 8 October 2012 and the Extraordinary meeting held on 24 October be confirmed.

## **CAB114/11/12 Report of the Young Mayor**

The Young Mayor presented her report which detailed the following:

- This was the Young Mayor's last Cabinet meeting of her term of office and she thanked Cabinet for the opportunity of being part of its meetings.
- Online voting had been completed for the preliminary stage of the 2012 Young Mayor election. A record number of young people had voted, with over 3000 votes cast electronically. The four candidates who received the most online votes would go through to the next stage of voting. This stage was a paper ballot and would take place in schools, youth projects and main libraries from Monday 19 to Wednesday 21 November 2012. The new Young Mayor would be announced on 23 November 2012 and take up their duties on 1 December 2012.
- The Young Cabinet Member for Community Safety continued to attend the Community Safety Board meetings. He had been involved in designing and creating a DVD to be used for PHSE lessons in high schools about choices and consequences of becoming involved in crime.
- The Young Mayor had attended, with 7 other young people from North Tyneside and young people from across the Northumbria Police Authority area an event to create a message for the new elected Police and Crime Commissioner. Various workshops had been held and the information obtained would be included in the Police and Crime Commissioner induction pack.

- The Member of Youth Parliament had attended an Education and Skills evidence session as part of Lord Adonis' Economic Review commissioned by the North East Local Enterprise Partnership. He had also attended "Your Voice in Europe" where he had taken part in "How Europe works". There had been dialogue between MEPs and young people, and workshops on Youth Engagement in Europe.
- The Young Mayor and some youth councillors had contributed to an Education Committee enquiry about Careers Guidance. Recommendations had been made to Westminster after meetings with young people to discuss the quality of current career guidance.
- The Youth Select Committee on Transport had been piloted to look into issues and concerns around safe, affordable and accessible transport for young people. The report was now complete and included many recommendations to help young people to access public transport. Copies of the report were available.
- The Young Cabinet Member for Environment and members of the Green Fingers Group had attended the Big Green Question time at Langdale Centre.
- Youth Councillors from the South West Area had met with ISOS Housing Group to discuss the financial support they were giving to create the commemorative seat in Wallsend. They had also discussed the opportunities for funding other community projects in the area.
- The Young Mayor had attended the Remembrance Day service at Whitley Bay, placing a wreath on behalf of the young people of the Borough.
- Although there would be a new young mayor taking up his or her duties in December the Young Mayor would still be very involved as a Youth Councillor.

The Mayor thanked the Young Mayor for her report. Cabinet commended the Young Mayor on the work she had done during her term of office and wished her well for the future.

At this point the Mayor indicated that Item 7 (l) Flooding Task Group would be considered after the next item.

### **CAB115/11/12 Report from Overview and Scrutiny Committee – Kings Priory Consultation (All Wards)**

The Cabinet received a report of the Overview and Scrutiny Committee detailing a recommendation on the formulation of the response to the Secretary of State for Education on the proposals to create Kings Priory School in Tynemouth as an academy school from September 2013.

At its meeting on 5 November 2012 the Overview and Scrutiny Committee had considered a recommendation from the Children, Education and Skills Sub-committee regarding the response to the Secretary of State on the proposals for Kings Priory School. The Sub-committee had received an update at its meeting on 22 October 2012 regarding the current position of the proposed merger and conversion to an academy of Priory Primary School and The Kings School in Tynemouth.

The Sub-committee felt that the proposals would have a significant impact on the provision of education in the Borough and the decision as to whether or not the Council should make representations to the Secretary of State for Education and what those representations would be, should be determined by all elected members of the Council and submitted a recommendation to Overview and Scrutiny Committee.

Cabinet was asked to consider the recommendation of Overview and Scrutiny Committee, having full regard to the legal position as set out in paragraph 2.2 of the

report. The recommendation was 'that Cabinet submit to Council for determination the Strategic Director for Children, Young People and Learning's recommended response to the Secretary of State on the proposals for Kings Priory School'.

The Cabinet Member for Children, Young People and Learning thanked Overview and Scrutiny Committee for the report.

**Resolved** that the recommendation of the Overview and Scrutiny Committee be noted and a response be provided at a future Cabinet meeting.

### **CAB116/11/12      Flooding Task and Finish Group (All Wards)**

Cabinet considered a report that detailed the progress made so far by the Flooding Task and Finish Group, the emerging messages from its sub groups and explained the proposed next steps.

On 28 June 2012, North Tyneside was subject to a Super Cell Storm. This was the most significant pluvial flooding event for some time. Over 200 homes were affected, business was disrupted and there was a major impact on the transport infrastructure. On 26 July 2012, the Elected Mayor called for a cross party, all-partner Flooding Task and Finish Group to look at the Borough's preparation for such an event, examine the response and recovery as well as to consider what more could be done in North Tyneside to live with the consequences of rising numbers of pluvial flooding incidents.

Subsequent to that call there was a further flooding incident on 25 September 2012, which resulted in some people in North Tyneside seeing their homes flooded once more.

The Task and Finish Group met for the first time on 15 August 2012, when it confirmed its membership and its terms of reference. The list of those involved and the agreed terms of reference were detailed at Appendix A of the report. The Task and Finish Group also considered the response to the incident and the Flood Recovery Management Plan.

The Task and Finish Group met for the second time on 6 September 2012 when it considered progress in responding to the incident including understanding the approach adopted by North Tyneside Homes to make sure tenants returned to their homes as quickly as possible.

The Task Group agreed to establish four sub groups in order to structure the analytical and planning work required for the Group to reach some useful conclusions. The details of those sub groups were given at Appendix B of the report. They were:

- Existing surface water management maintenance regimes and investment plans.
- The individual roles and responsibilities of each organisation.
- The Council's preparedness.
- Community preparedness.

The sub groups had been working since the August meeting to consider their specific remits. Details of progress made, the emerging picture and matters still to address were detailed in the report.

The evidence considered by the Task Group and its Sub Groups suggested the key message was that North Tyneside and all of its residents and businesses would need to learn to live with the risk of pluvial flooding. It was clear neither the Council nor any of its partners could prevent the kind of incident that occurred in June and September.

The people and organisations of the Borough therefore needed to put together their own plans.

The key outcomes from the work of the Task Group, at this stage were Visible Preparation and Management; Community Awareness and Resilience; Understood Response Priorities; and Visible Partnership and Accountability.

A particular structure to handling the outputs of the Task and Finish Group was suggested with the aim of securing the outcomes described in section 1.5.4 of the report. This structure was based on the Metropolitan Glasgow Strategic Drainage Partnership, identified as a best practice approach by the Sir Joseph Rowntree Foundation during their work on managing pluvial flooding and the community impact. Appendix E provided further information on the Glasgow partnership.

The Task and Finish Group were recommending the creation of two plans: a Development Plan and an Implementation Plan, details of which were contained in the report.

The development, management and evaluation of these plans would require appropriate governance. A partnership to handle the relationships and plans in the long term was proposed. The accountabilities from that group could be to North Tyneside's Cabinet as well as the particular governance routes required by partners. The possible value of linking the work to the North Tyneside Strategic Partnership's Green North Tyneside Theme which had responsibility for the environment was suggested.

The Elected Mayor had worked hard to inform around 700 residents involved in the incidents in June and September, and to explain what the Council and its partners were doing about flooding. There needed to be a clear communication plan to handle the recommendations and, if agreed, the development and implementation plans. The performance management of those plans and progress reporting would be critical to securing the outcomes described in section 1.5.4 of the report.

There was also a need to engage with communities who had been affected to explain the Task and Finish Group's response and the plans for their area.

At its meeting on 25 October Council agreed the following Motion:

"The impact of the recent flooding in the Preston Ward Area of the Borough, especially after the construction of new storm tanks, is somewhat disturbing for the Preston Residents. The storm tanks, it would appear, have contributed to the flood damage rather than alleviate it. Therefore Council requests that an independent engineer be appointed to advise on the drainage situation in this area and be asked to report to the Flooding Task Group on their findings and proposals to improve the situation."

The following points needed to be considered in respect of this:

- The Council had no statutory powers to compel a regulated provider to appoint or accept the recommendations of an "independent engineer".
- Northumbrian Water Limited performed in their own regulatory environment with appropriate duties and obligations as a statutory water and sewage undertaker.

It was also proposed that Cabinet acknowledge the concerns of the residents of Preston Village and the conversations which the Elected Mayor, Cabinet Members and the Ward Councillors had held with those residents.

Therefore, it was proposed that the Elected Mayor should meet with Northumbrian Water Limited to understand their original development in the Preston Ward area and to discuss how effective the measures were with the flooding event in June. This should

also consider how Northumbria Water Limited can engage with the residents of Preston Village to explain what happened in June and what action might be taken in the future.

The proposed next steps were:

- the completion of the sub-groups' work.
- the development of a final report of the Flooding Task and Finish Group.
- the development of a communication plan for that report.
- a final meeting of the Flooding Task and Finish Group to consider its final report and recommendations.

There was a need for some funding to assist the work being done to improve surface water management in year. As part of the Area Forum budgets for 2012/13 were currently unspent and flooding prevention had emerged as a priority across all four areas of the Borough, it was proposed that £0.096m of revenue funding from the Area Forum budgets be used to support the work on flood preparation. This recognised that dealing with flooding was one of the most pressing issues for local residents as discussed at the Area Forum meetings

A detailed programme of surface water management improvements was being drawn up for consideration as part of the Budget setting process for 2013-15 and it was proposed that £0.092m of the capital in the Area Forum budget be vired across in addition to £0.100m of New Homes Bonus to allow some work to be performed in 2012-13. A detailed programme would be presented to Cabinet as soon as it was available.

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 information relating to the progress of the Flooding Task and Finish Group and its sub groups be noted;

- (1) the proposed next steps of the Task Group and its sub groups be noted;
- (3) the virement of £0.096m Revenue funding and £0.092m Capital funding from the 2012/13 Area Forums environmental budget be approved;
- (4) the revised Council policy on Risk Management Approach to Flood Response, attached at Appendix F to the report, be approved;
- (5) the Council Motion of 25 October 2012, be acknowledged;
- (6) the Elected Mayor meet with Northumbrian Water Limited to discuss the original development in the Preston Ward area; and
- (7) Members and officers meet with residents directly affected by the flooding to discuss issues.

(Reason for Decision – This will enable the work of the Flooding Task and Finish Group to proceed and also to provide some resources within the short term for appropriate measures this financial year.)

### **CAB117/11/12      2012/13 Financial Management Report to 30 September 2012 (All Wards)**

Cabinet considered a report detailing the budget monitoring position as at 30 September 2012, and included forecast outturn positions for 2012/13 for the General Fund, the Housing Revenue Account (HRA) and the Capital Plan, including a summary of schemes delivered. It also included an update on Schools' finances, Treasury Management and Prudential Indicators.

As at 30 September 2012, the forecast year-end position for the General Fund reflected in-year pressures of £1.959m. This compared with the position reported to Cabinet for 2012/13 at 31 July 2012 which indicated pressures of £2.425m. The forecast reflected

the challenging conditions faced by councils nationally in managing increased demand in some areas and the potential impact of the recent severe flooding across the borough. Services continued to develop plans and actions to ensure the budget was brought in on target.

The HRA was forecast to have year-end balances at 31 March 2013 of £2.263m, which was £0.960m higher than budget. The higher than forecast balances were mainly as a result of higher opening balances due to the impact of previous years' financial performance (£0.837m).

Work continued on the implications of the national school funding reform and a report on this had been submitted for consideration later in the Agenda.

The Capital Plan budget for 2012/13, adjusted for revisions at the March, June, July and September 2012 Cabinet meetings and 26 July 2012 Council meeting was £63.023m. Variations of £0.193m were proposed in the report. The report detailed some of the achievements in terms of delivery of projects in the first six months of the financial year, as well as summarising the level of spend on projects for the year.

The report also confirmed that all Prudential indicators had been complied with.

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 budget monitoring position as at 30 September 2012, be noted; (2) the receipt of new revenue grants be approved; (3) the level of spend on the Capital Plan as at 30 September 2012, be noted; (4) the variations of £0.193m credit and reprogramming of £0.087m within the Capital Plan, be approved; and (5) the Treasury Management and Prudential Indicators position be noted.

(Reason for Decision – It is important that Cabinet continues to monitor performance against the budget, especially given the current level of financial pressures faced by the public sector. The variations to the Capital Plan will enable the use of grants awarded for 2012/13.)

### **CAB118/11/12      Senior Leadership Team's Progress Report in Quarter 2 2012/13 (All Wards)**

Cabinet considered the latest quarterly progress report from the Senior Leadership Team which set out achievements against the Council's ambitions and a traffic light summary indicating performance against the priorities set out in the Sustainable Community Strategy.

The report explained that more detailed performance summaries relating to each of the Council's priorities could be found on the Council's data store. These summaries set out progress against plans for the year, key performance indicators, relevant background information, and signposts on how to obtain further detail.

In Quarter 2 of 2012/13 key achievements under each of the Strategic Partnership themes included:

- Local Development Order (LDO) for Swan Hunter confirmed. Preliminary work underway for Port of Tyne North Estate and procurement underway for the appointment of preferred developer partner for Swan Hunter site.
- Adult Social Care providers had surpassed the target of 13% of customers setting up and managing their Direct Payments.

- 70% of schools were judged as Good or Outstanding by OFSTED, none had a notice to improve.
- North Tyneside Council was the overall National Award Winner in the Clean Britain Awards and retained its 5 star award (the highest grade rating), along with a Gold Award for the best medium sized local authority.
- A comprehensive report based on empirical evidence, was produced for North Tyneside's State of the Area event, setting out the position of the Council in terms of education, health, housing and the environment.

Further achievements were outlined in the main Senior Leadership's Team Quarter 2 Progress Report, attached at Appendix 1.

The following areas had been identified as challenges by the Director of Public Health:

- Alcohol: Increasing hospital admissions were being tackled in the short term (1 year) by commissioning a community based service to provide intensive support to dependent drinkers who were frequently admitted to hospital. In the longer term (2-3 years) there would be a range of alcohol intervention and treatment services commissioned for different levels of need.
- Childhood Obesity: A review of the current service/interventions for children who were overweight or obese was underway. This would most likely result in remodelling of current service provision. In addition measurement of children in year 4 at primary school was being considered (in addition to current mandatory measurement in reception and year 6).

Cabinet considered the following decision option: to note the revised approach to reporting progress and performance and key achievements over the second quarter of the year against the Council's plans for 2012/13.

**Resolved** that the revised approach to reporting progress and performance and the key achievements over the second quarter of the year against the Council's plans for 2012/13 be noted.

(Reason for Decision - The revised framework offers a more comprehensive and transparent approach to reporting the achievements of the Council and the challenges it is addressing.)

### **CAB119/11/12 North Tyneside Strategic Partnership – Exception Report Quarter 2 (July – September 2012)(All Wards)**

Cabinet considered a report which identified any performance issues in relation to the delivery of objectives outlined in the North Tyneside Sustainable Community Strategy (SCS) 2010-13.

A total of 84 high level measures had initially been identified to monitor progress against the priorities and aims within the SCS. These included a mix of national and local measures, as well as the measures which were contained within the Local Area Agreement 2008-11.

After the Government announced the abolition of the National Indicator Set in October 2010, a review of the original 84 measures was carried out to ascertain which ones were still available for reporting. Of the original set of measures, 63 were still being collected however, of these, 16 had either had a change of definition or a change in their methodology.

Of the total performance measures, 13 could be reported at the end of Quarter Two, 6 of which had not achieved their target, as follows:

- NI016: Serious acquisitive crime rate (%). Quarter 2 target was 2.18% and 2.48% had been achieved.
- NI 039 (PHOF 2.18): Hospital admissions for alcohol related harm (rate per 100,000). Quarter 4 2011/12 target was 660 and 810 had been achieved.
- NI065: Children becoming the subject of a Child Protection Plan for a second or subsequent time (%). Quarter 2 target was 10% and 15.4% had been achieved.
- NI195a: Improved street and environmental cleanliness – the percentage of relevant land and highways assessed as having deposits of litter (%). Quarter 2 target was 3% and 4% had been achieved.
- NI195c: Improved street and environmental cleanliness – the percentage of relevant land and highways assessed as having deposits of graffiti (%). Quarter 2 target was 0% and 1% had been achieved.
- NI195d: Improved street and environmental cleanliness – the percentage of relevant land and highways assessed as having deposits of fly-posting (%). Quarter 2 target was 0% and 1% had been achieved.

In each case comments and proposed actions were set out in the report.

The full list of performance measures were contained in Annex 1 of the report.

Cabinet considered the following decision option: to note progress as at the end of Quarter 2 2012/13 on delivery of the Sustainable Community Strategy 2012-13.

**Resolved** that (1) the North Tyneside Strategic Partnership – Exception Report – Quarter 2 (July-September 2012), attached as Annex 1 to the report, be noted; and (2) the proposed actions to bring back on track those targets which are the Council's direct responsibility outlined in the report, be approved and officers be authorised to work with partners to jointly deliver partnership targets.

(Reason for Decision - as the Accountable Body for the SCS 2010-13 the Council has a responsibility to ensure adequate governance arrangements are in place to manage performance and resources to deliver the agreed targets. Cabinet must therefore receive monitoring information on a regular basis and be assured that progress is being made to achieve the required outturn within available resources.)

### **CAB120/11/12 Highway Asset Management Plan 2012-17 Annual Information Report (All Wards)**

Cabinet considered the Council's Highway Asset Management Plan (HAMP) Annual Information Report.

The report outlined the progress and key issues associated with the maintenance of the Council's public highway network, with particular emphasis around the condition of the network and the resources required to maintain it effectively.

It was acknowledged that, like in many other local authority areas across the country, there was still general dissatisfaction with the condition of roads and pavements, nevertheless the Area Forum budget provision had made a contribution to estate road improvements and the condition of main classified roads compared favourably with the national picture.

In April 2012 the Government had published the Highways Maintenance Efficiency Programme (HMEP) Pothole Review which set out best practice, and the Council had already implemented many of the recommendations. The Council had been complimented by the Chair of the HMEP Board on its approach.



The Council continued to face many challenges, detailed in the Highway Asset Management Plan, attached as Appendix 1 of the report, to bring its highway network up to an acceptable standard. The report would be used as the basis for ongoing discussions about the challenges of maintaining the highway network. The report aimed to support those discussions so that any decisions about potential changes in highway maintenance priorities and resources could be made in an informed manner.

Cabinet considered the following decision option: to note the Highways Asset Management Plan Information Report, including the challenges of maintaining the highway network.

**Resolved** that the content of the Highways Asset Management Plan Annual Information Report be noted and the challenges of maintaining the highway network, be acknowledged.

(Reason for Decision - no direct decisions are required in relation to content of the HAMP Annual Information Report. It is for information purposes only.)

### **CAB121/11/12 River Tyne North Bank Update (Previous Minute CAB/09/12) (Wallsend and Riverside Wards)**

Cabinet considered a report which detailed steps being taken to deliver the River Tyne North Bank Strategic Development Framework Plan, key projects to bring forward the redevelopment of the former Swan Hunter site and the appointment of a preferred developer partner. Information provided in the report also included:

- River Tyne North bank Update.
- North East Advanced Manufacturing and Low Carbon Enterprise Zone (NEEZ).
- Port of Tyne North Estate NEEZ site.
- Swan Hunter - NEEZ site update, infrastructure improvements, procurement of a development partner and current operation of the site.
- The Learning Village

The report sought authority to progress proposed delivery arrangements, including bidding for and accepting external funding, and commencing site infrastructure and building works on the former Swan Hunter site, in accordance with public sector procurement requirements.

Cabinet considered the following decision options:

Option 1 – approve the recommendations as set out in Section 1.2 of the report, which which would mean that officers continue to secure offers of external funding from the European Regional Development Fund (ERDF), Homes and Communities Agency (HCA) and the North East Local Enterprise Partnership (NELEP) to fund the essential site infrastructure improvements that would then release the full potential of the site for new businesses and job creation, and that officers would be authorised to take forward any relevant land transactions. In addition, officers could continue to progress the procurement of a preferred developer partner and commence detailed design work on the Business Incubation Centre and Research and Development facility.

Option 2 – approve the recommendation to receive a further report on the appointment of the preferred developer partner and commence detailed design work for the Business Incubation Centre and Research and Development facility with the relevant legal, financial and/or other implications, but not approve the recommendation to seek further external funding for the site infrastructure improvement works, or to take forward any relevant land transactions.

The Council therefore would have to accept a reduced overall offer of external funding from ERDF and the HCA. This would mean that considerably less site infrastructure improvement works could be afforded and therefore the rapid development of business accommodation and job creation on the site would be adversely affected, making the site potentially unviable for the developer partner. The Council's reputation for being able to deliver high profile regeneration projects would be adversely affected.

Option 3 – not approve any of the recommendations set out in section 1.2, which, in addition to the adverse impacts set out under option 2 would also mean the Council aborting the current EU procurement process. This would significantly affect/delay progress with the development of the Swan Hunter NEEZ site and the Council would undoubtedly fail to meet its contribution to local business growth and job creation and the objectives of the Government Plan for Growth. The Council's reputation for being able to deliver high profile regeneration projects would be adversely affected.

**Resolved** that (1) the Head of Regeneration, Development and Regulatory Services, in consultation with the Strategic Director of Finance and Resources, the Head of Legal, Governance and Commercial Services and the Elected Mayor, be authorised to bid for external funding for site infrastructure and the development of land and buildings on the Swan Hunter site, and accept offers of such funding providing there are no financial implications for the Council that can not be accommodated within existing budgets;

(2) the feasibility and design works elements of the scheme of up to £0.280m, as set out in paragraph 1.5.5(b) of the report, be moved from the Capital Plan reserve list on to the main Capital Plan subject to the confirmation of the Homes and Communities Agency grant funding (which will fund 100% of this expenditure) being received;

(3) the progress with the procurement of a preferred developer partner be noted and a further report be submitted to seek approval of the appointment of the preferred developer partner, said report to contain all relevant additional legal, financial and/or other implications;

(4) the Stage 1 ERDF approval be noted and the Head of Regeneration, Development and Regulatory Services, in consultation with the Strategic Director of Children, Young People and Learning, be authorised to undertake further detailed design work in relation to the proposed Business Incubation Centre and Research and Development Facility that forms a key part of the Learning Village Phase 2 and report back to Cabinet, including the legal and financial implications;

(5) the Senior Manager Strategic Property, in consultation with the Elected Mayor, the Strategic Director for Finance and Resources and the Head of Legal, Governance and Commercial Services, be authorised to negotiate and agree terms for and finalise any land transaction in respect of the Swan Hunter site, in accordance with the requirements of the Joint Venture Agreement with the Homes and Communities Agency, ensuring best consideration is achieved for the Council, and ensuring compliance with all relevant legal requirements, the Council's Constitution and Financial Regulations, including the handling of all ancillary matters arising.

(Reason for decision - it allows the rapid deployment of the resources required to deliver the site infrastructure improvements needed to maximise the business and job creation benefits of the Swan Hunter site at an early stage. This is in accordance with Council Plan Priority 5(8) for the River Tyne North Bank, which states that "The Council will begin the journey towards this vision by providing appropriate infrastructure and supporting investment in buildings. We will take this vision and our determination to Government and to our European representatives to seek their support. "

It also delivers the Council's commitment to the North East Enterprise Zone objectives, the NELEP vision and the Government Plan for Growth.

Progressing the procurement of the preferred developer and undertaking detailed design work on the Business Incubation Centre and Research and Development facility means that the speedy commencement of building new business accommodation and the refurbishment of the existing Swan Hunter buildings can be achieved once a stage 2 ERDF offer of grant is received.)

**CAB122/11/12 The Gambling Act 2005 Draft Revised Statement of Licensing Policy (Gambling) – Final Proposals (Previous Minute CAB121/10/12) (All Wards)**

Cabinet considered a report which required the Council as a Licensing Authority to publish a Statement of Licensing Policy and to revise the Policy at least every three years. The Report detailed the revision of the Policy and provided guidance as to how the Council as a Licensing Authority would exercise its functions under the Act. The Report outlined the final proposals in connection with the formulation and subsequent formal approval of the Policy, which formed part of the Council's Policy Framework.

The Council's initial Statement of Licensing Policy under the Gambling Act 2005 had come into force on 31 January 2007 and had been reviewed and where necessary amended every three years thereafter. The revised Statement of Licensing Policy (Gambling) had to be in force by 31 January 2013 when the existing policy would expire. The three year period for each policy ran from 31 January.

Under the Act, the Council, as a Licensing Authority, was responsible for issuing Premises Licences and Permits. Premises Licences were specific to the type of premises offering gambling to the public and included Bingo Premises; Adult Gaming Centre Premises; Family Entertainment Centre Premises and Betting Premises.

The report explained that the Council did not have the authority from the Secretary of State to issue Casino Premises Licences. Section 175 of the Act limited the overall numbers of types of casinos that would be permitted in Great Britain. Until such time as the current limits on the number of casinos were increased, no further Casino Premises Licences would be issued. Provided that the Council did not pass a 'no casino' resolution under Section 166 of the Act, the Council would be in a position to apply to the Secretary of State to be considered as a Licensing Authority with the power to issue Casino Premises Licences, should the limits on the number of casinos imposed by section 175 ever be increased.

The decision whether or not to pass a 'no casino' resolution was discretionary and it was considered prudent, and indeed good practice, to reconsider the issue of whether the Council, as a Licensing Authority, wished to pass a 'no casino' resolution when it was reviewing its Statement of Licensing Policy. The current Licensing Policy would lapse on 31 January 2013 and, it could be argued, that the decision to pass a 'no casino' resolution taken by Council on 19 November 2009 would also lapse. If Council decided to adopt the current wording in Paragraph 9.1 of the existing Policy, then it would keep the option open for the Council as Licensing Authority to apply to issue Casino Premises Licences should the current limit on the number of casinos in Great Britain be increased. If on the other hand, a 'no casino' resolution was passed, it would bind the Council for three years (unless another resolution was passed in the interim) and would prohibit the Council from issuing Casino Premises Licences in that period.

In terms of Permits, the Council as Licensing Authority could issue the following types of permit:-

- Unlicensed Family Entertainment Centre Gaming Machine Permit
- Club Gaming Permit
- Club Gaming Machine Permit

- Alcohol Licensed Premises Gaming Machine Permits
- Prize Gaming Permits.

The principles to be applied by the Council as Licensing Authority when considering an application for a Premises Licence were detailed in Section 153 of the Act. It emphasised the importance of the Council's Statement of Licensing Policy (Gambling) in determining any application for a Premises Licence made to the Council as Licensing Authority.

The draft revised Statement of Licensing Policy (Gambling) as attached as Appendix 1 to the report, contained the information that The Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 had prescribed should be included in the policy document.

In preparing the draft revised Policy document, regard had been given to the Commission's statutory guidance and the Regulations issued in order to assist Licensing Authorities in the preparation of their policy statements. The draft revised policy statement was subject to a 12 week period of public consultation that began on 21 May 2012 and ended on 10 August 2012. A list of the extensive number of consultees would appear in the policy document.

The initial proposals in respect of the Policy Statement were agreed by Cabinet at its meeting on 10 September 2012 (Minute No. CAB86/09/12 refers). Cabinet noted on that date that the Council would be requested to determine whether or not to pass a 'no casino' resolution under section 166 of the Act. The Overview and Scrutiny Committee considered the initial proposals at its meeting on 1 October 2012 (Minute No. OV43/10/12 refers). In particular, it considered whether or not the Council should pass a 'no casino' resolution. Following such consideration the Committee recommended that the Council should pass a 'no casino' resolution. As Overview and Scrutiny made only one recommendation, the Committee did not consider it necessary for the matter to come back before it on 5 November 2012 for consideration of the final proposals.

The Cabinet Member for Community and Regulatory Services had considered the recommendation made by the Overview and Scrutiny Committee and considered it appropriate to amend the initial proposals and to include in the final proposals in respect of the Policy Statement a 'no casino' resolution. Accordingly in this regard Appendix 1 at paragraph 9.1 of Section B of the Policy Statement for consideration by Cabinet had therefore been amended to include the following proposal:- "This Licensing Authority passed a no casino resolution on 29 November 2012, such resolution taking effect on 31 January 2013. This resolution will remain in force for a period of 3 years commencing on 31 January 2013 unless the Licensing Authority passes a further resolution revoking the no casino resolution".

Ultimately, the decision whether or not to pass a 'no casino' resolution was a matter for consideration by Council at its meeting on 29 November 2012.

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 final proposals in connection with the formulation and approval of the draft revised Statement of Licensing Policy (Gambling), attached at Appendix 1 to this Report, be approved;

(2) it be noted that Council will be requested to determine whether or not to pass a 'no casino' resolution under section 166 of the Gambling Act 2005;and

(3) the draft Statement of Licensing Policy (Gambling) be referred to Council for consideration at its meeting on 29 November 2012.

(Reason for Decision - the revised draft Policy Statement has been developed over many months by licensing officers working closely with Legal Services. The Policy Statement contains the information required by legislation and the Gambling Commission. It has been subject to extensive consultation involving, in addition to members of the public, all North Tyneside MPs, MEPs and Councillors. All consultees were given the opportunity of providing feedback and comments on the draft Policy Statement up to 10 August 2012.)

### **CAB123/11/12      Complaints Service Annual Report 2011/12 (All Wards)**

Cabinet considered a report which detailed complaint related activity during 2011-12 and complied with the requirement to publish an Annual Report on Complaints under the relevant statutory complaint legislation.

The Council undertook millions of transactions with its 198,500 residents, and substantial numbers of visitors to the Borough, throughout the year. Against that background, the number of complaints received by the Council remained consistently very low, reflecting the excellent services customers received and the Council's ability to resolve swiftly any issues that did arise at the first point of contact.

The number of formal complaints continued to increase and was reflective of efforts to raise awareness of the complaints service within the Council and was not necessarily reflective of a poorer quality of service to the public. Complaints leaflets tailored to Corporate, Social Care Services and young people were widely available in Council buildings and to download from the Council website. It was also now very easy for customers to contact the Council on-line and Social Care Service users were provided with a complaints leaflet at the first point of contact.

Customer satisfaction with the complaints process increased year on year and the Council continued to resolve the vast majority of complaints at Stage 1 of the procedure. The Council welcomed complaints as valuable feedback from its customers, and complaint outcomes provided valuable lessons learned to further improve and enhance Council services and procedures.

The Council operated statutory complaint procedures for Adult Social Care and Children and Young People's Services. It also provided a Corporate Complaints Procedure for all other services.

In 2011/12 the Council responded to Local Government Ombudsman (LGO) enquiries within an average of 18 days, which was well within the required timescale for response of 28 days. This compared favourably to national statistics and was an improvement on the previous year. The LGO's Annual review of complaints 2011/12 was attached as Appendix 2 of the report.

The Council's Complaints Service Annual Report for 2011-12 was attached at Appendix 1 to the report. The overall number of formal complaints had risen by 22% from 537 in 2010-11, to 654 in 2011-12. Despite this increase, the number of complaints received remained very low given the huge volume of transactions the Council undertook every year, and may also be reflective of the work undertaken to promote the availability of the complaints process to service users.

Complaint numbers were also sensitive to service changes and weather and the increase in 2011-12 was largely related to three issues, i.e. the weather, changing the

refuse collection routes to 4 days a week and charging for replacement bins and caddies.

The number of Corporate Complaints received rose by 22%, from 485 in 2010-11 to 590 in 2011-12. The increase in complaints was attributed to several service areas, the bulk of these relating to North Tyneside Homes (NTH), from 94 to 121, Kier North Tyneside, from 165 to 245, and Environmental Services, from 61 to 80. The increase in complaints during 2011-12 was largely due to changes in how services were delivered. Further detail was contained in the Annual Report.

The number of Social Care complaints (relating to both Adult Social Care and Children and Young People's Services) increased from 52 in 2010-11 to 64 in 2011-12, a rise of 23%. Although a combined increase of 23% appeared high, it equated to 4 cases in Children Social Services and 8 cases in Adult Social Care. Further detail was contained in the Annual Report.

A survey of complainants' experiences of and satisfaction with the complaint services undertaken in respect of complaints handled during 2011/12 revealed that the majority of those responding found it easy to find information about the service and were happy with the length of time taken to respond to their complaint and the content of the response letter. One key aim of the complaint process was 'learning' from complaints and this was a core driver in all future developments. A number of changes were made to procedures and practice in services as a result of complaints resolved during 2011-12. Examples were listed in the Annual Report.

A continuing area of development was partnership working, where services were provided on behalf of the Council in conjunction with other public, voluntary and private sector organisations. Such change had potential for complaint processes to become complex, so arrangements would be in place from the outset to ensure the customer's experience was as straightforward as possible. Securing the efficient handling of complaints would also be a vital component of ongoing arrangements with current and future partners.

A number of service areas were examining ways of collecting, monitoring and analysing positive feedback, such as compliments, in order to provide a fuller picture of customer feedback. Complaints management had also been an important feature in the consideration of the new Customer Relationship Management (CRM) arrangements. The CRM system was currently being used for managing low level complaints, Ombudsman cases, Adult Social Care complaints, NT Homes and Kier NT complaints as well as comments and compliments received by the Customer and Member Liaison Officer. The next phase would be to go live on CRM with the remainder of Corporate complaints and Children Social Care complaints during 2013.

Complaints were now widely recognised as integral to the provision of quality services at both individual and strategic levels. The Council's successful history and current good practice in effective complaint handling would be an integral service improvement driver in the current rapidly changing culture. The demands of maintaining, and increasing levels of customer satisfaction, coupled with organisational changes across public and partner sectors, would be well supported by the current robust complaint handling procedures.

Cabinet considered the following decision option: to agree the recommendations as set out in section 1.2 of the report.

**Resolved** that (1) the complaint related activity during 2011-12, as set out in the Complaints Service Annual Report for 2011-12 (Appendix 1 to the report), be noted; (2) the Head of Legal, Governance and Commercial Services be authorised to publish the Complaints Service Annual Report for 2011-12; and (3) the Local Government Ombudsman’s Annual Review of complaints concerning North Tyneside Council for 2011-12 (Appendix 2 to the report), be received.

(Reason for Decision - the Local Authority is legally required to publish an Annual Report on Complaints. Publication of an annual report also supports community engagement, and promotes transparency and opportunities for organisational improvement.)

### **CAB124/11/12      North Tyneside Tenancy Strategy 2013-18 (All Wards)**

Cabinet considered a report which sought approval to adopt the North Tyneside Tenancy Strategy 2013-18.

In November 2010 the Government published “Local decisions: a fairer future for social housing”, which set out plans for the reform of social housing. At the heart of these plans was giving social housing landlords more flexibility to make the best use of their housing stock in a way that best meets the needs of the local area.

The proposals were taken forward in the Localism Act 2011, which required local authorities to prepare and publish a Tenancy Strategy by 15 January 2013. Tenancy Strategies should set out a council’s expectations for social housing landlords in relation to the kinds of tenancies they grant; the circumstances in which they will grant a tenancy of a particular kind; where they grant tenancies for a fixed term, the lengths of the terms; and the circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

Social housing providers operating in North Tyneside had to ‘have regard’ to the Tenancy Strategy when formulating their tenancy policies.

North Tyneside’s Tenancy Strategy also set out the Council’s approach to other flexibilities for social housing. It covered tenancies; access to the housing register; discharging the homelessness duty with an offer of accommodation in the private rented sector; changes to succession rights; and affordable rents. Further details were given in the report.

The key aim of the strategy was to provide guidance to registered providers operating in North Tyneside and the Council’s own landlord function, North Tyneside Homes. Guidance was under-pinned by the need to make best use of the housing stock to meet local housing need; maintain and create successful, sustainable communities; and prevent homelessness.

Cabinet considered the following decision options:

Option 1 - approve the Tenancy Strategy 2013-18 as set out in Appendix 1 to the report.  
Option 2 - not approve the Tenancy Strategy 2013-18 and refer the matter back to officers for further consideration, outlining the specific issues to address.

**Resolved** that the North Tyneside Tenancy Strategy 2013-18, detailed at Appendix 1 to the report, be approved.

(Reason for Decision – the Tenancy Strategy provides guidance to registered providers operating in North Tyneside and the Council’s own landlord function, North Tyneside Homes, on the Council’s preferred approach to new flexibilities introduced for social

housing landlords. It can be used as a framework to guide the development of their approach to tenancies in North Tyneside. The Council has a statutory duty to publish a Tenancy Strategy by 15<sup>th</sup> January 2013.)

**CAB125/11/12      Annual Review of Council Policy on Covert Surveillance  
(Previous Minute CAB14/06/11) (All Wards)**

Cabinet considered a report which requested approval of an updated Covert Surveillance Policy. In accordance with the Codes of Practice applying to the Regulation of Investigatory Powers Act 2000 (RIPA) the Council Policy should be reviewed annually. A copy of the revised draft Policy was attached at Appendix 1 to the report.

A Surveillance Policy approved by Cabinet in June 2011 had been revised to reflect the changes to the RIPA regime brought about as a result of the Protection of Freedoms Act 2012 and also the requirement for any surveillance to be linked to serious crime.

The aims of the Council's Policy were to:

- Set out the Authority's arrangements for complying with RIPA; the relevant Codes of Practice and guidance issued by the Home Office; and guidance from the Office of the Surveillance Commissioner (OSC) and the Interception of Communications Commissioner's Office (IOCCO);
- Give effect to the rights of citizens to respect for their private and family lives (pursuant to the Human Rights Act 1998); and
- Protect the Authority from legal challenge when undertaking surveillance.

The Regulation of Investigatory Powers Act 2000 (RIPA) had put covert surveillance on a statutory basis. RIPA enabled certain public authorities to carry out surveillance operations with statutory protection from legal challenge. It is often referred to as the "RIPA shield". Local authorities could only use RIPA provisions to authorise surveillance activities in order to detect and prevent serious crime.

The Council had a Central Register of all RIPA and non-RIPA surveillance activity. It was important that staff across all Directorates of the Authority were aware of the need to obtain authorisation prior to undertaking surveillance and for relevant information to be fed into the Central Register.

The Council received an inspection visit from the OSC in April 2010. The purpose of the inspection was to examine policies, procedures, operations and administration in relation to directed surveillance and covert human intelligence sources. All of the issues identified through the inspection process were incorporated into the Policy that was approved by Cabinet in June 2010.

The Authority received an inspection visit by the IOCCO in May 2011. The outcome of this inspection was not available when the policy was considered in June 2011, but was received later that year and no issues identified through the inspection process had been required to be incorporated into the draft revised policy.

Between 1 April 2011 and 31 March 2012, the Council had used the RIPA directed surveillance provisions on 8 occasions. All the authorisations related to investigations of instances of anti social behaviour, through the use of covert cameras. The purpose of the authorisations was to gather evidence (including the identification of perpetrators) for use in criminal and anti-social behaviour proceedings. On these occasions no criminal or anti-social behaviour proceedings were brought from the evidence gathered. All these authorisations had come to an end.



During this period the Council had acquired communications data on 3 occasions. The acquisitions related to telephone subscriber information connected to investigations undertaken by the Trading Standards team. Information obtained had subsequently supported court proceedings and sharing of intelligence with other local authorities.

The Authority had not used the covert human intelligence source (CHIS) provisions. The Policy required that if the use of a CHIS was being contemplated, the officers concerned should seek appropriate advice from Legal Services and from other organisations that more commonly used CHIS, such as the Police. Approval for the use of a CHIS could only be given by the Head of Paid Service.

The Senior Responsible Officer would keep the Central Register under review and would advise Authorising Officers/Designated Persons of changes in approach or procedure.

The report outlined the corporate responsibilities in relation to covert surveillance and the Council's arrangements for reviewing its use of RIPA and in reviewing the general surveillance policy.

Prior to the 2010 general election the coalition parties indicated an intention to revise local authority surveillance powers. Concerns were raised about the proliferation of CCTV cameras without assessment or consultation and that surveillance was being used in a disproportionate manner to investigate minor offences. In accordance with the provisions contained in the Protection of Freedoms Act 2012 the Authority's policy and procedures had been revised.

Before 1 November 2012 local authorities had the following ground to authorise directed surveillance; where it was necessary "for the purpose of preventing or detecting crime or preventing disorder. From 1 November 2012, local authorities could only use the RIPA provisions to authorise surveillance activities in order to detect and prevent crime as defined by the Regulations and not to prevent disorder.

In particular the crime which was sought to be prevented or detected by the surveillance activity must be punishable, whether on summary conviction or on indictment, by a maximum term of at least 6 months of imprisonment, or would constitute an offence under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933.

The removal of the prevention of disorder as part of the ground to authorise directed surveillance was likely to mean a reduction in the number of authorisations that the Council sought to make in the future.

Cabinet considered the following decision options:

- Option 1 – (i) approve the Authority's Policy on Covert Surveillance;  
(ii) review and note the use of surveillance by the Authority in the preceding year; and  
(iii) note the changes to the use of surveillance by local authorities.
- Option 2 – request officers to revise the draft Policy and/or provide additional information regarding any matters contained in the report

**Resolved** that (1) the Council's draft Policy on Covert Surveillance, attached as Appendix 1 to the report, be approved;  
(2) the use of surveillance by the Authority in the preceding year be noted; and  
(3) the further regulation of the use of surveillance by local authorities from 1 November 2012 be noted.

(Reason for decision - to secure adherence to the recommended best practice contained within the Codes of Practice. In particular, paragraph 3.30 of the Code of Practice – Covert Surveillance and Property Interference indicates that elected members should review the Authority’s use of Part II of the Regulation of Investigatory Powers Act 2000 and set the policy at least once a year.)

### **CAB126/11/12 School Finance (All Wards)**

Cabinet considered a report detailing the financial position of North Tyneside’s schools and giving an overview of the variations to the Authority’s Local Funding Formula for Schools for the financial year 2013/14.

During 2011/12 overall school balances in North Tyneside strengthened, rising from £6.424m at 31 March 2011 to £6.726m at 31 March 2012. This was reported in the Council’s Statement of Accounts for 2011/12 and used in National Government benchmarking.

School balances in North Tyneside had risen in both cash terms and as a percentage of planned budget for over 10 years. Despite this continued strengthening, up to March 2011, balances as a percentage of planned budget remained lower in North Tyneside than in any other comparator group. The gap between North Tyneside schools and benchmark groups had narrowed and was expected to narrow further at March 2012, as detailed in Appendix A of the report. The increase in balances during 2011/12 was due to a number of factors, including improved financial awareness in schools and strengthened monitoring and support for schools with deficit budgets.

As at 31 March 2012 there were 5 schools in deficit, compared with 11 the previous year. The total balance of those schools with deficits decreased over the year from £0.522m to £0.206m.

Detail regarding the nature of each school’s balance was provided by each school when completing their final accounts return. All schools collated and reported upon their income, expenditure and balances using a nationally prescribed format called “Consistent Financial Reporting” (CFR). This return, made by every Authority, detailed all Education and Children’s social care financial data.

The report gave an explanation of excess balances and the North Tyneside Excess Surplus Balances Policy. An extract of the Section 251 return detailing individual North Tyneside school balances at 31 March 2012 was attached at Appendix B to the report.

Schools received their individual budget share (delegated budget) from the Local Authority by 31 March 2012 and submitted their 3 year revenue budget plans (starting 2012/13) by 31 May 2012 as required.

Seven schools had requested deficit approval for 2012/13 budgets. The Finance team, supported by School Improvement and the North Tyneside School Forum, met with these schools in June, providing both challenge and support to each of their budget plans, in order to determine if they may be granted a deficit budget for 2012/13. Deficit approval did not constitute a commitment to provide additional funding over the school’s individual budget share, only a recognition that the school needed to temporarily enter into deficit, whilst continuing to balance its financial position over the longer period.

Table 1 of the report detailed recent history of school deficit requests and approvals  
Table 2 of the report detailed the seven schools with deficit approval for 2012/13.

The deficit approval figure was only one aspect of the deficit agreement. It was necessary to ensure the underlying reasons behind the deficit were identified and addressed. This required work from both the school and support from the local authority over the year. As the overall number of schools in North Tyneside with a deficit balance had reduced significantly over the last few years the Authority could now focus more attention and support to those schools remaining in deficit. There was also increased scrutiny from all stakeholders in the longer term financial health of the school.

The Department for Education (DfE) had commenced a series of consultations on national school funding reform in April 2011 that resulted in their March 2012 document "School Funding reform: Next steps towards a fairer system." The aspirations behind the changes to the funding system were to ensure that all school funding was transparent; where funding followed the pupil and where pupils with additional needs attracted additional funding. Similar schools, serving pupils with similar needs, should be funded in broadly similar ways, no matter where they were.

The changes outlined for 2013/14 detailed in the report, were significant and related to all aspects of education and school funding.

The DfE, working through the Education Funding Agency (EFA), required all Authorities to complete the majority of this work by October 2012, with details of the size of the respective new funding blocks, the new simplified local formula and forecast high need SEN provision supplied no later than 31 October 2012.

Officers had been working through the funding changes required in North Tyneside for 2013/14 as a result of the School funding reform framework, using the 2012/13 DSG of £133.777m for modelling purposes. In addition to monthly reports to the North Tyneside School Forum, separate groups were set up, to consider the new mainstream formula, high needs SEN, early years funding and centrally retained budgets. Formal consultation on the proposals was undertaken between 1 and 15 October 2012.

The resulting new mainstream funding formula for 2013/14 onwards (which would also be applicable to Academies) was a much simplified model with only 7 factors, as set out in the report.

In addition to the main formula all mainstream schools would be protected from any potential reduction in funds through the Minimum Funding Guarantee, meaning no school would lose more than 1.5% per pupil for 2013/14 and 2014/15. It was noted that the Pupil Premium remained outside and in addition to, this formula.

The Council continued to work closely with the School Forum and all stakeholder groups in respect of High Need SEN allocations for settings in 2013/14. This would incorporate the newly inherited responsibility for post 16 High Need SEN, the details of which were yet to be announced.

Upon reviewing the national guidance with the working group North Tyneside's early years single funding formula was seen to be in line with the new framework. This included the methodology for allocating funds for deprivation. It had therefore been possible to apply the same formula created in 2012/13 to 2013/14.

Another area of change for 2013/14 funding and beyond was that school funding allocations were now predominantly driven by the preceding October pupil census details rather than the preceding January census. One consequence of this was that all Local Authorities would be able (and required) to issue their school budget allocations much earlier than before. Maintained schools in North Tyneside would receive their 2013/14 budget allocations in late January 2013.

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 change in school balances, as detailed in Section 1.5 and Appendix A of the report, be noted; and  
(2) the Strategic Director for Children, Young People and Learning and the Strategic Director of Finance and Resources, in consultation with the Cabinet Member for Children, Young People and Learning, be authorised to undertake resource allocations to schools for 2013/14 in line with the outcome of the recent School funding reform work.

(Reason for decision – the proposed process is compliant with all current relevant legislation and has been established following detailed consultation with North Tyneside’s schools.)

### **CAB127/11/12 Peer Tutoring to Raise Literacy Levels (All Wards)**

Cabinet considered a report which sought approval for the acceptance of a grant for funding from the Education Endowment Foundation (EEF) of £520,064 which would be used to work jointly with higher education partners to offer peer tutoring interventions to secondary schools in North Tyneside, to evaluate impact and to ensure knowledge exchange and sustainability beyond the life of the project across the borough on a traded basis.

Schools in North Tyneside had been encouraged to see the value of peer tutoring arrangements where pupils formed partnerships in which one pupil, because of age or experience, became the ‘expert’. Previously, several schools had engaged in peer tutoring schemes which involved sixth form students tutoring upper primary school children in order to improve their reading skills. Anecdotal evidence gained during these programmes illustrated that not only did pupils improve their reading skills but also felt more confident about transferring to the secondary phase of their education.

The EEF had now approved a grant of £520,064 (subject to contract and final sign off) from the Literacy Catch-up Fund to undertake a more extensive project which would focus initially on enhancing the learning outcomes and social relationships of students with low literacy levels in North Tyneside. A particular focus was vulnerable groups such as those in receipt of Free School Meals and those underachieving in literacy who are not in this category. The project would run in secondary schools, and cross-age peer tutoring would be offered to full classes thus widening its benefits and avoiding the stigmatisation of particular individuals. Evidence from small scale national and international studies demonstrated that cognitive, affective and social gains could be made in paired reading and this project offers an opportunity to scale the findings from previous studies using this technique.

The report gave details of the project’s aims and objectives and its three phases.

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) acceptance of grant funding from the Education and Endowment Foundation for the purposes set out in the report (subject to contract and final EEF signoff), be approved;  
(2) the Strategic Director of Children, Young People and Learning be authorised to take all necessary or relevant steps to implement Resolution (1) and the proposals detailed in the report;

- (3) the Head of Legal, Governance and Commercial Services and the Strategic Director of Finance and Resources be authorised to agree and finalise the terms and conditions associated with the grant and the project; and
- (4) the Head of Legal, Governance and Commercial Services be authorised to enter into all associated agreements on behalf of the Council.

(Reason for Decision – it will ensure that schools benefit from considerable staff training in the methodology of cross-age peer tutoring and 3,600 students engage in cross-age peer tutoring across the Borough, which as previous studies indicate, leads to improved outcomes for students and is especially beneficial for vulnerable groups.

This project offers an opportunity for North Tyneside to become an established centre of excellence in cross-age peer tutoring using paired reading with Year 7 students, providing a template for others in England. Establishing a robust capability such as this will enable the Local Authority to offer support within the Borough and beyond on a traded basis. Appropriate authorisation would be sought as required prior to entering into any such trading activity.)

**CAB128/11/12 Procurement of a Contract for the Reprocessing of Recyclable Materials Collected at the Kerbside through a Materials Recycling Facility (All Wards)**

Cabinet considered a report which sought approval, in accordance with the Council's procurement rules, to undertake jointly with Newcastle City Council an EU-compliant procurement exercise to identify a preferred provider to sort, bale and transport recyclable materials to licensed re-processors. The procurement process would secure the most economically advantageous solution in accordance with European procurement rules.

Dry recyclable material, including paper, card, cans, tins, and glass was collected from all households in the Borough. This material was required to be sorted before it could be reused or recycled into another product. The Council collected the material using in-house resources but had no facility where the material could be sorted or the capacity to sell on to end markets.

When the grey recycling bin scheme was implemented in 2008/09, a joint procurement exercise was undertaken with Newcastle City Council for the processing of recyclable materials for end markets for the two councils' respective areas. The outcome of the procurement was the development of a Materials Recycling Facility at Willington Quay. The joint procurement exercise meant that both councils were able to enjoy competitive rates due to the economies of scale presented by tonnage from both authorities.

The contract was for three years, with a two-year extension option, and was due to end in January 2014. The contract had run very smoothly and the duration with the extension option provided flexibility to achieve improved gate fees as the industry matured. Since the last procurement other neighbouring authorities had procured similar contracts and prices had fallen, with many more suppliers in the market.

Whilst the contract had delivered the reprocessing required, the development of the market meant that there were now more companies offering a wider range of solutions and at lower cost. Working together with Newcastle had delivered savings in procurement costs and had enabled the Council to access reduced rates per tonne through a two-authority and volume discount. Newcastle (whose contract began at a slightly earlier date than that of North Tyneside) had agreed a short further extension to their contract, to bring the proposed new contract start date, January 2014, in line for the two authorities.

The option of a wider joint procurement had been discussed with Gateshead, Sunderland and South Tyneside but they had decided to continue or extend their current arrangements which meant that the contract terminations could not end at the same time.

Cabinet considered the following decision options:

Option 1 - Do nothing

Option 2 - Contract as a single Authority

Option 3 - Provide the service in house

Option 4 - Procure a three year contract, with an option to extend by up to three years, jointly with Newcastle City Council

**Resolved** that (1) an EU-compliant procurement exercise be undertaken jointly with Newcastle City Council, in order to identify a preferred provider to reprocess recyclable materials collected from the kerbside, the contract being for a period of three years with an option to extend for up to a further three years;

(2) a further report is submitted to Cabinet following the procurement process recommending a preferred bidder prior to contract award; and

(3) the Head of Environmental Services, in consultation with the Head of Legal, Governance and Commercial Services and the Strategic Director of Finance and Resources, be authorised to undertake a procurement exercise to identify a preferred provider for the above purposes in accordance with all applicable procurement rules, including authority to undertake the following:

- a. Determine the most appropriate procurement process, including the scoping of the exercise;
- b. Approve the specification, the procurement documentation and other contract terms;
- c. Approve the evaluation criteria;
- d. Oversee the project procurement and delivery.

(Reason for Decision – it will provide best value for money through economies of scale and the flexibility to either re-tender in three years' time, or compare market prices and extend the contract, if this is favourable, for up to three further years.)

### **CAB129/11/12 Council Strategic Plan and 2012/13 Budget – Implementation Plan (Previous Minute CAB107/10/12) (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 to the report, listed 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 the November Cabinet meeting including endorsement of updated information in relation to specific items. The Implementation Plan, if approved, would need to be amended after accordingly.

The Implementation Plan was being submitted to Overview and Scrutiny Committee for comments after every Cabinet Meeting. It had been last submitted to Overview and Scrutiny Committee on 5 November 2012.

Cabinet considered the following decision options:

Option 1 – approve all the recommendations detailed in paragraph 1.2 of the report.

Option 2 – approve some but not all of the recommendations detailed in paragraph 1.2 of the report.

Option 3: not approve all of the recommendations detailed in paragraph 1.2 of the report.

**Resolved** that (1) the revised Implementation Plan be approved;  
 (2) the Chief Executive, in consultation with the Elected Mayor, be authorised to update the Implementation Plan to reflect the decisions in relation to the Plan taken at this meeting; and  
 (3) the position in the current version of the Implementation Plan be noted and it not be presented to future Cabinet meetings as separate reports will be submitted to Cabinet on items 58, 62, 63, 64, 69, 73 and 76 and other matters as appropriate.

(Reasons for decision – to enable relevant work on the Implementation Plan to be taken forward in the light of decisions taken at this meeting.

It was originally agreed by Cabinet 28 March 2012 that the Implementation Plan would be reported to each Cabinet meeting until all the proposals have been considered and where appropriate implemented.

As Cabinet has now considered the majority of items in the Implementation Plan which are the responsibility of Cabinet, it is recommended that the Implementation Plan need not be considered at future Cabinet Meetings. Separate reports on specific items 58, 62, 63, 64, 69, 73 and 76 and other matters as appropriate, in the Implementation Plan will still be reported to Cabinet.)

#### **CAB130/11/12 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 two items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3 of Part 1 of Schedule 12A to the Act.

#### **CAB131/11/12 Coastal Regeneration including Spanish City progress and External Funding (Whitley Bay Ward)**

Cabinet considered a report which gave an update on progress with the Coastal Communities Fund bid to support Coastal Regeneration, the appointment of the preferred developer for Spanish City Island and the Heritage Lottery Fund bid for the Dome building, including seeking authority to undertake key actions necessary to secure the early development of the site.

Cabinet considered the following decision options:

Option 1 – approve all the recommendations set out in paragraph 1.2 of the report.

Option 2 - not to proceed any further with the identified preferred developer for Spanish City and re-market the site.

Option 3 – not to proceed any further with the preferred developer for Spanish City but that the Council should undertake the regeneration scheme itself, potentially with one of its Partner organisations.

Option 4 - not agree with any of the recommendations.

**Resolved** that (1) the Head of Legal, Governance and Commercial Services, in consultation with the Head of Regeneration, Development and Regulatory Services and the Strategic Director of Finance and Resources, be authorised to finalise and agree the Heads of Terms with the preferred developer for the Spanish City Island Site, in accordance with the principles set out in the report;

(2) the Head of Regeneration, Development and Regulatory Services, in consultation with the Head of Legal, Governance and Commercial Services and the Strategic Director of Finance and Resources, be authorised to enter into the lease and underlease arrangements with the preferred developer as envisaged in the report and pursuant to the finalised Heads of Terms;

(3) the Strategic Director of Finance and Resources, in consultation with the Elected Mayor, the Head of Legal, Governance and Commercial Services and the Head of Regeneration, Development and Regulatory Services, be authorised to submit and progress a revised Stage 1 bid (and if appropriate a Stage 2 bid) for Heritage Lottery Fund grant funding for the purposes described in the report, and subsequently accept any associated offer of funding should the bid be successful, subject to there being no adverse financial implications upon the Council that can not be contained within existing budgets;

(4) should the bid for HLF funding be successful, the Head of Legal, Governance and Commercial Services, in consultation with the Strategic Director of Finance and Resources, be authorised to enter into a funding agreement with the preferred developer to apply the Heritage Lottery Funding for the restoration of the Dome building, such agreement to mirror all conditions associated with the grant approval as appropriate;

(5) the submission in September 2012 of a detailed Stage 2 bid in respect of Coastal Communities Fund grant funding be noted and the Strategic Director of Finance and Resources, in consultation with the Head of Legal, Governance and Commercial Services and the Head of Regeneration, Development and Regulatory Services, be authorised to accept any offer of Coastal Communities Fund grant should the Stage 2 bid be successful, subject to there being no adverse financial implications upon the Council that can not be contained within existing budgets; and

(6) The Head of Legal, Governance and Commercial Services, in consultation with the Head of Regeneration, Development and Regulatory Services, be authorised to:

- (a) proceed to seek to reach agreement in respect of the purchase of any third party rights or interests in the development site with the respective owners of such interests, and take such steps as are necessary to conclude such agreements; and
- (b) in the absence of such agreement being reached, and in accordance with the prescribed procedures, take such actions as may be necessary to:
  - (i) remedy title defects within the Dome building and extinguish rights of access through the Dome building; and
  - (ii) secure title in areas of land on Spanish City Island which are outside the Council's ownership;

in each case with reference to the sites delineated in the plan at Appendix 1, through the exercise of the powers of appropriation and compulsory purchase available to the Council as a Local Planning Authority under the provisions of Sections 226 and 237 and Part IX of the Town and Country Planning Act 1990, and such other powers of compulsory purchase or otherwise as may be available to the Council and necessary to enable the proposed development to be progressed and completed.

(Reason for decision – the preferred developer for Spanish City was selected in April 2011 following an extensive European procurement regime compliant process and has remained a committed partner throughout this process despite the withdrawal of the YMCA, who were to be the main tenant of the Dome building. The revised proposals for the overall regeneration scheme and the Dome building conform to the objective of the original procurement process although the Council would now be the anchor tenant instead of the YMCA.



If the decision were taken not to proceed with the preferred developer, a new marketing process would have to begin and it is unlikely in the current economic circumstances that another developer partner would come forward. This would mean the building would continue to stand empty and continue to deteriorate. The current opportunity for substantial external funding from the HLF would be undermined and it would put at risk the success of any further application in the future.

Alternatively, the Council could decide to undertake the scheme directly as a capital project but this would have implications for the Capital Plan and could require the Council to prudentially borrow funding to complete the scheme. The Council would carry all the risks in terms of development site values and building costs and with this option the Council would still have the risk associated with securing tenants for the building and recovering the income needed to fund the overall scheme.)

### **CAB132/11/12 Corporate Risk Management Summary (All Wards)**

Cabinet considered a report which detailed the corporate risks that had been identified for monitoring and management by the Council's Senior Leadership Team (SLT). The report provided detailed information on each risk and how this was being managed.

Cabinet considered the following decision options:

Option 1 – To consider the information provided for each of the corporate risks and endorse the outcome of the latest review by SLT.

Option 2 – After consideration of the detailed information provided for the corporate risks, suggest changes to the corporate risks and their controls.

**Resolved** that the latest review of key corporate risks undertaken by the Senior Leadership Team, be endorsed.

(Reason for Decision – Each of the corporate risks has undergone substantial review and challenge as part of the corporate risk management process. This is designed to provide assurance that corporate risks and opportunities are being identified and appropriately managed.)

### **CAB133/11/12 Date and Time of Next Meeting**

6.00pm on Monday, 26 November 2012 (Extraordinary Meeting)

6.00pm on Monday 10 December 2012 (Ordinary Meeting).

**Minutes published on Thursday 15 November 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 23 November 2012.**