

Cabinet

11 March 2013

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

In Attendance: M Cushlow (NHS North of Tyne)
P Hedley Business Representative)
I Sidney (Young Mayor)

CAB214/03/13 Apologies

Apologies were received from Councillor D Lilly, A Caldwell (Age UK North Tyneside), L Gardiner (VODA) and D Titterton (Voluntary Sector).

CAB215/03/13 Declarations of Interest

There were no declarations of interest made.

CAB216/03/13 Minutes

Resolved that the Minutes of the meeting held on 11 February 2013 and the Extraordinary Meeting held on 4 March 2013 be confirmed.

CAB217/03/13 Report of the Young Mayor

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

He had met with the Head of Schools, Learning and Skills to discuss youth councillors' ideas around careers advice and curriculum for life. This was the UK Youth Parliament's national campaign as well as an issue that youth councillors felt strongly in improving.

Attendance at the day on the beach project which was an intergenerational project with VODA.

The Do Something Different Fund Panel had met and had selected groups to present their ideas for funding. A number of groups had been successful in being awarded funding. The Panel would meet several more group applicants over the next few weeks

A Youth Council Newsletter had been produced. Called 'Take A Minute', it would be circulated throughout the Borough and show what youth councillors were doing in a more engaging way.

Youth Councillors had enjoyed a fun day at Whickham Thorns where they had taken part in Archery, Climbing, Nite line, Tubing and Sledging.

Some of the female youth councillors had been involved in planning the celebrations for International Women's day.

The Young Cabinet Member for Environment had rallied a lot of support from youth councillors to take part in the Big Spring Clean, due to be held on 25 March 2013. He had attended the Greener North Tyneside meeting. He was also progressing his plan to improve the look of a roundabout in the Borough. It was hoped that this initiative would prove successful.

The Mayor thanked the Young Mayor for his report.

CAB218/03/13 Report from Overview and Scrutiny Committee and its Sub Committees (All Wards)

There were no reports submitted by the Overview and Scrutiny Committee or any of its Sub Committees for this meeting.

CAB219/03/13 2012/13 Financial Management Report to 31 January 2013 (All Wards)

Cabinet considered a report detailing the budget monitoring position as at 31 January 2013, 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.

As at 31 January 2013, the forecast year-end position for the General Fund reflected in-year pressures of £884,000. This compared with the position previously reported to Cabinet, which had indicated pressures of £1.637m. Services were continuing to develop plans and actions to ensure the budget was brought in on target.

The report also referred to revenue grants awarded since the previous report to Cabinet totalling £3.808m.

The HRA was forecast to have year-end balances at 31 March 2013 of £1.603m, which was £300,000 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 (£837,000). £757,000 of the increased brought forward balances had been allocated to support the Station Road new build scheme, as agreed by Cabinet on 13 August 2012, the remainder would be applied in 2013/14.

Section 4 of Annex 1 of the report gave an update in respect of work in progress with regard to the national school funding reform.

The Capital Plan budget for 2012/13, adjusted for revisions at previous Cabinet meetings and in relation to additional borrowing of £1.087m, approved at the Council meeting on 26 July 2012, was £60.192m. Variations of £1.720m and reprogramming of £8.226m were proposed in the report. The report detailed some of the achievements in terms of delivery of projects in the first ten months of the financial year, as well as summarising the level of spend on projects for the year.

The Cabinet Member for Finance asked a number of questions, detailed below, which were responded by the Finance Service representative:

1. 'With reference to the Capital Finance Requirement, can you confirm that the level of General Fund borrowing (excluding Equal pay, which is compulsory) is predicted to fall by March 2014?'

The reduction is estimated at £2.7 million between 31 March 2013 and 31 March 2014.

2. 'Still with the Capital Finance Requirement, can you confirm that the General Fund borrowing (excluding Equal pay) at the end of Mayor Arkley's final budget of her first administration, as at 31 March 2006 was £123m?'

It was £123.981 million.

3. 'Can you confirm that the General Fund borrowing (excluding Equal pay) at the end of Mayor Harrison's final budget as at 31 March 2010 was £190m?'

It was £190.328 million.

4. 'Was this an increase in debt of over 50% on the General Fund (excluding Equal pay) as confirmed to all members as part of the 2013/14 Budget setting process?'

The increase in debt was in the region of 53.5%.

5. Can you confirm that the rate of increase of debt has slowed since Mayor Arkley came into office and has risen at less than 10% in total over the 4 years, now standing at £205m, again on the General Fund, excluding Equal Pay?

It is estimated to be 6.6%-7% in that period.

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 31 January 2013, be noted; (2) the receipt of new revenue and capital grants, set out in the report, be approved; (4) the level of spend on the Capital Plan as at 31 January 2013 be noted; and (5) the variations of £1.720m and reprogramming of £8.226m within the Capital Plan, be approved.

(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.)

CAB220/03/13 Introduction of a Complaint Handling Policy and Revision to Corporate Complaints Procedure (All Wards)

Cabinet received a report seeking approval for a proposed overarching policy for good principles of complaints handling, and for a number of amendments to the Authority's Corporate Complaints procedure in relation to some housing complaints to fulfil the requirements of the Housing Ombudsman scheme that would come into effect on 1 April 2013.

Complaints about Council services were currently dealt with through the Council's Corporate Complaints Procedure and the Local Government Ombudsman scheme. In addition to these procedures there were also statutory requirements associated with the handling of complaints concerning Adult Social Care and Children Social Care matters.

The Localism Act 2011 introduced new legislation concerning the handling of complaints about social housing providers. The Housing Ombudsman function currently covered

complaints in respect of all Registered Providers (housing associations), with Local Authority Housing providers (including North Tyneside Homes) still currently subject to the Local Government Ombudsman complaints scheme. However from 1 April 2013 all social housing providers, including local authority providers such as North Tyneside Homes, would come under the jurisdiction of the Housing Ombudsman. The Housing Ombudsman would have similar powers of jurisdiction and enforcement to the existing Local Government Ombudsman.

There was a legal requirement for all providers of social housing to join a Housing Ombudsman scheme approved by the Secretary of State. To date only one such scheme had been approved. The recommended Scheme did not affect the operation of the current Corporate Complaints Procedure until the point at which a complaint had exhausted the current procedure. The proposed changes to the existing procedure, detailed in the report, took into account the requirements of the approved Housing Ombudsman Scheme, including the introduction of a 'designated person' role.

The 'designated person' would consider a complaint once a social landlord's internal complaints procedure had been exhausted, and should seek dispute resolution with the respective parties. The designated person would then decide whether or not to refer the complaint to the Housing Ombudsman.

It remained open to residents, once the social landlord's internal complaints procedure had been exhausted in respect of their complaint, to approach the Housing Ombudsman directly if they did not wish to have their complaint considered by a designated person. A resident was entitled to refer their complaint directly to the Housing Ombudsman after the end of eight weeks beginning with the day on which the local complaints procedure concluded. In addition, if a designated person had refused in writing to refer the complaint to the Housing Ombudsman, then the Housing Ombudsman would consider the complaint without requiring a referral from a designated person, or the requirement for the resident to wait eight weeks.

Official guidance was expected imminently from the Local Government Ombudsman and Housing Ombudsman jointly on the new arrangements. The Ombudsman guidance document when received would be circulated to all Elected Members for information.

Cabinet considered the following decision options:

Option 1 – agree the proposals set out in section 1.2 of the report.

Option 2 – not agree the proposals as set out in section 1.2 of the report.

Option 3 – refer the proposals back to officers for further consideration of any specific issues identified by Cabinet.

Resolved that (1) the introduction of an overarching Complaints Handling Policy, be approved;

(2) the revisions to the Corporate Complaints procedure for dealing with Housing complaints which are suitable for determination by the new Housing Ombudsman scheme from 1 April 2013, be approved; and

(3) the Authority joins the approved Housing Ombudsman Scheme from 1 April 2013.

(Reason for decision – the Authority does not currently have in place an overarching policy for good complaint handling which covers all the required complaints procedures administered within the Authority, namely, Corporate, Adult Social Care and Children's Services. The new Policy will provide this.

There is a statutory requirement to have a scheme for dealing with complaints which fall under the jurisdiction of the Housing Ombudsman in place by 1 April 2013. The proposed changes to the Authority's existing complaints procedures are necessary to

secure compliance with the approved Housing Ombudsman Scheme and are consistent with the aims and aspirations of the Authority.)

CAB221/03/13 Community Right to Challenge (Previous Minute CAB208/05/12) (All Wards)

Cabinet considered a report which detailed the prospective introduction of the Community Right to Challenge (CRTC) under the Localism Act 2011 and sought authority for certain initial steps. The report proposed the principles to be adopted for the operation of CRTC in North Tyneside following the introduction of relevant regulations and statutory guidance, and requested approval to take forward implementation of CRTC on the basis of those principles.

CRTC provided external organisations and existing employee groups with the opportunity to express an interest in providing or assisting with the provision of a service, or a part of a service, on behalf of local authorities. Authorities were required to consider such Expressions of Interest (Eols) and were only able to reject Eols on limited statutory grounds. Where an Eol was accepted, the Authority was required to take forward a procurement exercise in respect of that service, within a time period specified by the Authority. The CRTC was part of a suite of community rights contained within the Localism Act 2011.

Cabinet had received a report on 14 May 2012 (Minute CAB208/05/12 refers) on the prospective CRTC provisions and authorising initial steps for implementation of the new provisions in advance of these coming into force. Following the publication in June 2012 of the Community Right to Challenge (Expressions of Interest and Excluded Services)(England) Regulations 2012 and the associated statutory guidance, the report detailed the requirements associated with implementation of CRTC and proposed for approval key principles for the implementation of CRTC in North Tyneside.

The report provided information/guidance in relation to:

- Expressions of Interest: eligible bodies and services
- Acceptance or Rejection of Expressions of Interest
- Key principles proposed for implementation of CRTC in North Tyneside

Cabinet considered the following decision options:

Option 1 – approve the recommendations at paragraph 1.2.

Option 2 – not to approve the recommendations in 1.2.

Option 3 – refer the proposals back to officers for further consideration of specific issue(s).

Resolved that (1) the principles for the implementation of Community Right to Challenge in North Tyneside, as set out in the report, be approved; and (2) the Head of Law and Governance, in consultation with the Strategic Director of Finance and Resources, the Senior Manager – Audit, Risk and Procurement, the Democratic Services Manager, relevant Heads of Service and the Cabinet Member for Finance, be authorised to formulate and publish policy and procedural guidelines for the operation of the Community Right to Challenge (CRTC) by the Authority on the basis of those principles, and to take forward implementation of the CRTC accordingly.

(Reason for decision – this will ensure compliance with the Authority’s statutory obligations in relation to implementation of the Community Right to Challenge and that a secure and robust managed process is implemented within the Authority for the receipt and consideration of Expressions of Interest under CRTC.)

CAB222/03/13 Local Transport Plan 2013/14 Capital Expenditure Settlement (All Wards)

Cabinet considered a report which detailed the settlement for Local Transport Plan Capital (LTP) Expenditure for the period 2013-15 and requested approval for the proposed implementation programme covering the financial year 2013/14.

The Transport Act 2000 and the Local Transport Act 2008 required the Tyne and Wear Integrated Transport Authority (ITA) to prepare and manage a Local Transport Plan for Tyne and Wear in accordance with guidance issued by the Secretary of State for Transport. In Tyne and Wear the Local Transport Plan was produced by joint working between the ITA, the five local authorities and Nexus (Tyne and Wear Passenger Transport Executive). The third Tyne and Wear Local Transport Plan (LTP3) had been approved by Council in March 2011 and submitted to the Secretary of State by the ITA.

In December 2012 the Department for Transport (DfT) had issued the LTP3 capital settlement letter for 2013/14 to the Clerk to the ITA, attached as Appendix 1 to the report. The capital settlements for 2013/14 and 2014/15 had been confirmed on the Department for Transport's website.

In the Autumn Statement in December 2012, it had been announced that the Government had allocated additional highway maintenance funding directly to local highway authorities for 2013/14 and 2014/15.

The total Highway Maintenance and Integrated Transport block allocations for the Tyne and Wear ITA area in 2013/14 and 2014/15 were:

	2013/14	2014/15
	£'000s	£'000s
Highway Maintenance	10,475	9,988
Integrated Transport (including Public Transport schemes)	12,392	17,426
Total	22,867	27,414

The Highway Maintenance block capital allocations were allocated between districts in accordance with the DfT formula. At its meeting on 24 January 2013 the ITA had agreed to distribute the 2013/14 Tyne and Wear Integrated Transport allocation to partners in accordance with the established method. A proportion, currently 4%, of LTP funding was top-sliced for services delivered at Tyne and Wear level associated with the Local Transport Plan. An element of the Integrated Transport block was allocated for Public Transport schemes and part of this was allocated to Nexus as the local contribution to the ongoing renewal of the Metro system while the remainder was allocated between districts.

Of the additional highway maintenance funding allocated directly to local highway authorities, announced in the Autumn Statement in December 2012, North Tyneside's allocation was £326,000 for financial year 2013/14 and £176,000 for 2014/15.

The report focused on financial year 2013/14. A number of transport projects and applications for funding, requiring a degree of local contribution, were currently in preparation and their development would inform the allocation of funds between budget headings in the following financial year (2014/15).

The base capital allocations for North Tyneside for 2013/14 were:

	2013/14
	£'000s
Highway Maintenance	1,801
Integrated Transport	1,371
Sub-total	3,172
(of which Tyne and Wear top slice 4%)	(127)
Public Transport schemes	120
Additional maintenance funding	326
Total	3,618

The Council was able to move the funding between Integrated Transport and Highway Maintenance blocks. In view of the impact on the highway network of adverse weather over recent months, an element of funding had been reallocated from Integrated Transport to Highway Maintenance.

The report listed the proposed distribution of the capital programme by theme, under the general headings including Highway Maintenance and Integrated Transport.

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 Head of Business and Economic Development be authorised:

- i) to progress the implementation of the Local Transport Plan programme covering the financial year 2013/14 in accordance with the existing joint arrangement with all appropriate partners; and
- ii) in consultation with the Elected Mayor and Cabinet Member for Transport and the Environment, to review the programme to reflect public engagement and any value for money issues.

(Reason for decision – the Local Transport Plan implementation programme has been developed to secure compliance with Department for Transport guidance on the preparation of Local Transport Plans and therefore to secure maximum capital investment for transport in North Tyneside.

The LTP programme is developed with regard to locally agreed priorities for transport, which include maintaining the asset as well as supporting economic development, carbon reduction and safer and sustainable communities. Cabinet approval is requested for this programme.)

CAB223/03/13 River Tyne Energy Centre – Stage 2 ERDF Bid for a Business Incubation Centre and Research and Development Centre (Riverside Ward)

Cabinet considered a report which sought approval to progress with the submission of a Stage 2 European Regional Development Fund (ERDF) bid for a Business Incubation Centre and Research and Development facility, in the office buildings at the former Swan Hunter site (now known as Jupiter PaRC@Swans), which would form part of the River Tyne Energy Centre.

In September 2012 Cabinet had agreed that the Learning Village would be at the centre of a hub and spoke model in North Tyneside providing clear educational and vocational pathways into employment opportunities, focussed on supporting the workforce requirements of engineering and advanced manufacturing businesses on the River Tyne North Bank (RTNB). Other growth sectors such as creative industries, particularly film and television, which had already made significant use of the Jupiter PaRC site since it had been acquired by the Authority, would also be targeted.

Cabinet had also agreed in principle to the establishment of complementary facilities on the Jupiter PaRC site comprising:

1. a Business Incubation Centre (BIC) for new micro and small businesses to start up, with dedicated business support to grow and progress into larger managed work space; and,
2. a Research and Development (R and D) facility to support business led project work, innovation and entrepreneurial skills, including an internationally recognised “Fab Lab”.

These complementary facilities would provide an opportunity for new start up micro and small businesses aligned with the objectives of the RTNB regeneration strategy and the North East Enterprise Zone, to be supported during their key early stages, including support for innovation, research and development. This would provide an important source of new local businesses to support the growth of the River Tyne as an international hub for advanced manufacturing and renewables engineering into the future.

In November 2012 Cabinet was informed that the refurbishment of part of the existing Jupiter PaRC office buildings to accommodate the proposed BIC and R and D facility had received a Stage 1 ERDF grant approval of £2.750m towards the estimated £5.500m capital cost. This had been matched with £2.750m of North Tyneside Council capital funded from the targeted capital fund originally set aside to support 14-19 provision within the Building Schools for the Future investment programme.

Authorisation had been given for further design work to be undertaken for the proposed BIC and R and D facility and to report back to Cabinet with a fully detailed business case prior to the Stage 2 bid, which was due to be submitted to DCLG by 28 February 2013. This DCLG deadline had been set because the current European Programme required all qualifying expenditure to be incurred before July 2015.

Further detailed design work for this project had therefore been progressed, informed by a market needs assessment that had been undertaken as DCLG required this to be submitted with the Stage 2 bid. The market needs assessment had indicated that the overall scale of the BIC and R and D facility should be reduced to around 1,500 square metres, with an overall scheme cost of around £4.500m, made up of £2.250m ERDF grant and £2.250m match funding from the Capital Plan, which had been included in the draft budget. Further design work was being undertaken by Capita Symonds to advise on the most advantageous layout of this amount of floorspace within the Jupiter PaRC buildings. Until this design work was completed it was not possible to complete a robust business case and therefore comply with the decision of Cabinet in November 2012.

In these circumstances DCLG had allowed the Authority to submit a draft Stage 2 bid by 28 February 2013, subject to subsequent submission of the detailed business case supporting the bid. It was therefore proposed that, should any offer of ERDF grant funding be received, Cabinet receive a further report setting out the full detailed business case for consideration in conjunction with the request for Cabinet's authorisation to formally accept the offer of ERDF grant

It was noted that the Stage 2 submission would not commit the Authority to accept any offer of ERDF grant.

Cabinet considered the following decision options: either to agree the recommendations as revised, or alternatively to disagree with the proposals.

Resolved that (1) the progress made with the Stage 2 bid for ERDF grant be noted; (2) the Head of Business and Economic Development, in consultation with the Head of Law and Governance and the Strategic Director of Finance and Resources, be authorised to formally submit the Stage 2 bid to the Department for Communities and Local Government (DCLG); and (3) a further report detailing the full legal and financial implications of any subsequent offer of ERDF grant funding being made to the Authority, be submitted to Cabinet for approval prior to accepting the offer of grant.

(Reason for decision – this will allow the Stage 2 bid to progress through the DCLG appraisal process. In parallel with this appraisal process, officers will complete a robust business plan, including all financial implications and report this back to Cabinet as soon as possible.)

CAB224/03/13 Land at Junction of Trewitt Road and Victoria Terrace, Whitley Bay (Previous Minute CAB200/02/13) (Whitley Bay Ward)

Cabinet considered a report which provided supplementary information relating to an area of Land at the Junction of Trewitt Road and Victoria Terrace in Whitley Bay. The land had been deemed surplus to Authority requirements at the Cabinet meeting held on 11 February 2013.

The Council owned land at the junction of Trewitt Road and Victoria Terrace comprised a small public space that was grassed and surrounded by a boundary wall with two pedestrian gates providing public access. The Whitley Bay Ward Councillors had expressed their concern about the proposal to dispose of the land because they considered it to be a valuable piece of green public space within a built environment.

The Mayor informed Cabinet that she, together with members of the Cabinet, had visited and consulted with residents in the surrounding area, and a large majority had indicated their wish to retain the land as a green space and maintained by the Council. With this in mind, the recommendations for consideration had been amended.

Cabinet considered the following decision options: either to agree the recommendations as revised, or alternatively to disagree with the proposals.

Resolved that the Cabinet decision taken on 11 February 2013 to declare the land at the junction of Trewitt Road and Victoria Avenue, Whitley Bay surplus to requirements be rescinded and the land be retained in public ownership, for the benefit of the local residents.

(Reason for decision – this is considered the best way to respond to local concerns that have been raised.)

CAB225/03/13 Determination of School Admission Arrangements 2014 (All Wards)

Cabinet considered a report that detailed the proposed admission arrangements for all Community Schools in North Tyneside for the 2014/2015 academic year including the co-ordinated admissions schemes, following consultation with schools, other local authorities, the Diocesan Authorities and the North Tyneside Trust Schools. There were no changes to the admissions arrangements for community schools since approved last year.

The co-ordinated admissions schemes were set out in Appendices 1 and 2 (Primary, Middle and High Schools). The Planned Admission Numbers (including those for admission to Year 12 – sixth form) were shown at Appendix 3. The Admissions Policies

for admission to North Tyneside Community Schools and Nurseries for which the Local Authority was the Admissions Authority were set out in Appendices 4 - 6 of the report. The oversubscription criteria used by the Local Authority where there were more applications than places available were also set out in Appendices 4- 6 of the report.

The Local Authority had consulted on behalf of the Learning Trust schools, the Voluntary Aided schools and the Trust High School within North Tyneside with regards to their admission arrangements. The governing bodies of those schools were responsible for determining their arrangements in accordance with the School Admissions Code. Five of the schools in the Learning Trust were Special Schools and these arrangements did not apply to them.

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 proposed admission arrangements and limits for Community Schools, as outlined in Appendices 1 to 6 to the report be approved, subject to the appropriate publication of Statutory Notices;

(2) the Head of Commissioning and Fair Access be authorised to proceed in administering admission arrangements for the September 2014/2015 academic year, subject to the publication of statutory notices and compliance with obligations required by the Secretary of State in accordance with the timescales set; and

(3) the Strategic Director of Children, Young People and Learning, in consultation with the Cabinet Member for Children, Young People and Learning, be authorised to formally seek approval, as necessary, from the Schools Adjudicator in accordance with the Schools Admissions Code 2012 for any necessary variations to the determined arrangements for the 2014/15 academic year should these arise.

(Reason for decision – to secure compliance with statutory requirements as detailed in the report.)

CAB226/03/13 School Forum Constitution (All Wards)

Cabinet considered a report which detailed the changes required to North Tyneside's Schools Forum Constitution In accordance with the School Forum (England) Regulations 2012.

The main changes outlined in the new regulations, as detailed in the report related to participation; observation / transparency; and membership of School Forums and the removal of the requirement for local authorities to consult forums on arrangements for free school meals and insurance.

The Schools Forum had been consulted on the changes to the Regulations and in line with the Regulations had agreed to a proposed change in the number and composition of School Forum members, as shown in table 1 in the report.

The Schools Forum had noted:

- a) that the proposal broadly maintained the current balance of headteachers to Governors;
- b) the proposal maintained membership for the two faith groups – although this was not mandatory;
- c) that if there was increased representation for special schools and/or Academies then the overall number of school members at the Schools Forum would become cumbersome (at around 35 members) as the other groups would also need to increase to maintain the balanced representation required;

- d) although they would not have an official place on the Forum, there would be a standing invitation to both a school bursar and a trades' union representative in order for them to be able to offer additional support and advice to the Forum;
- e) the Regulations allowed for substitutes to attend and vote at meetings of the Forum on behalf of school members.

Subject to Cabinet's approval, the Schools Forum Constitution would be updated and shared with the Schools Forum. Once adopted current Forum members would be slotted in to the new membership. Should this not be possible the respective group would need to determine their representation. Schools members must be elected to the Schools Forum by the members of the relevant group, or sub-group, in the Authority's area.

Cabinet considered the following decision options:

Option 1 - not agree to the proposals from the Schools Forum regarding the Schools Forum Constitution and agree an alternative Constitution provided it complies with the 2012 Regulations; or

Option 2 - agree to change the Schools Forum Constitution with immediate effect in line with the proposals outlined in the report.

Resolved that (1) the proposed change in North Tyneside's Schools Forum Constitution, as detailed in section 1.5 of the report, be approved; and (2) the Strategic Director for Children, Young People and Learning be authorised to undertake necessary arrangements to elect representatives to the Schools Forum.

(Reason for decision – this will ensure that the Schools Forum Constitution continues to comply with all current relevant legislation.)

CAB227/03/13 Final Transfer Scheme for Public Health (Previous Minute CAB165/01/13) (All Wards)

Cabinet considered a report which detailed the Final Transfer Scheme for Public Health functions and responsibilities to the Authority, which was required to be signed off before the end of March 2013.

Over the last 3 months of 2012/13, the Primary Care Trust (PCT) had been completing a formal handover to the various receiver organisations including North Tyneside Council, details of which were contained in the report.

All PCT assets and liabilities to be transferred to the Authority formed part of a Transfer Scheme, a legal document to confirm the transfer of all relevant assets and liabilities. Essentially the asset or liability followed the destination of the statutory function; in this case Public Health. There was also a Transfer Scheme for staff transfers to the Authority.

As part of the Transfer Scheme each PCT had had to list all relevant property, rights and liabilities; these were defined as all contracts, estates and facilities, governance records, data, an inventory of physical assets (including IT), memoranda of understanding, service level agreements, intellectual property rights and actual and potential liabilities, including claims, disputes and warranties.

Each organisation needed to determine the Authorised Officer who would be responsible for dealing with and signing off the transfer scheme on behalf of the organisation. The Authorised Officer for the PCT as sender had been formally identified

as the Chief Executive. It was recommended that the Authorised Officer for the Authority was the Strategic Director of Finance and Resources.

A formal handover meeting between the PCT and the Council had taken place on 1 February 2013. The meeting was an opportunity to go through the headline information being handed over and to agree any additional arrangements that were needed for more in depth discussions. There were no significant issues or concerns for the Council arising from this meeting.

Further to the information provided in the report to Cabinet on 14 January 2013 (Minute CAB165/01/13 refers), the Department of Health had issued a pro forma standard contract which local authorities could use to engage providers to deliver public health services. The Director of Public Health intended to develop the Authority's commission intentions for public health services during 2013/14 and, where applicable, to re-commission or re-procure services.

By virtue of the Act, the current contracts held by the PCT with providers for the delivery of public health services would automatically transfer to the Authority. However not all current providers were engaged upon terms which were capable of being transferred to the Authority, either because they were not compatible with the Authority's Contract Standing Orders, or because they terminated on 31 March and could not be extended.

All providers, including each individual pharmacy and GP practice, delivering public health services were therefore being issued with a standard public health contract based on the Department of Health pro forma, with detailed service specifications, to commence on 1 April 2013. This was intended to ensure that each service had a detailed specification against which the effectiveness of the contract in achieving its objectives and outcomes could be measured.

The public health contracts would last for a period of one year from the date of commencement, with an option to extend for up to a further year, to allow sufficient time for the review and recommissioning of services. The Director of Public Health would issue a small number of grants, in compliance with Contract Standing Orders, for some 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 process of transferring public health data, records, workforce, assets and liabilities from the PCT to the Authority be noted;
(2) the governance arrangements and assurance mechanisms in place in relation to the transfer be noted;
(3) the sign off of the final Transfer Scheme for Public Health by the Strategic Director of Finance and Resources, in consultation with the Head of Law and Governance, be approved; and
(4) the Director of Public Health be authorised to enter into, on behalf of the Authority, standard public health contracts with providers currently delivering public health services to the PCT, for a duration of 1 year commencing on 1 April 2013, with an option to extend for a further year, which the Director for Public Health may exercise at her discretion.

(Reason for decision – this will ensure that the transfer is undertaken in accordance with the Health and Social Care Act 2012 and by 1 April 2013.)

CAB228/03/13 Amendments to Fairer Contributions Policy (Previous Minute CAB73/10/10) (All Wards)

Cabinet considered a report which requested approval of a number of minor amendments to the Council's existing Fairer Contributions Policy. These amendments followed a recent High Court judgment in Judicial Review proceedings brought against the Council. The report gave details of the Judicial Review proceedings issued against the Council in November 2011, including the grounds and outcome.

In light of the judgment the Council had been advised to amend its existing policy to remove any ambiguity about the treatment of housing costs in financial assessments for community care services. The Court had found that the Council appeared to have a policy which treated Housing Benefit recipients more favourably than those living in privately owned accommodation, or others who did not receive Housing Benefit.

The proposed amended policy aimed to confirm that the Council did not restrict its lawful discretion in financial assessments and would take into account all properly evidenced housing costs. The specific circumstances of the claimant's case were unusual and had not arisen previously and therefore had not been contemplated when the existing Policy was written.

The amendments to the Council's Fairer Contributions Policy detailed at Appendix 1 of the report, subject to some further minor changes which were circulated at the meeting, were proposed as a result of the judgment and to address the issues raised.

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 amendments as highlighted in the revised Fairer Contributions Policy, detailed in Appendix 1 to the report and circulated at the meeting, be approved.

(Reason for decision – to ensure that the Council's Fairer Contributions Policy is amended to address the issues raised in the 'narrow ground' of the Judicial Review claim.)

CAB229/03/13 Local Welfare Provision (All Wards)

Cabinet considered a report which requested approval to implement Local Welfare Provision to replace the administration of Community Care Grants and Crisis Loans by the Department for Work and Pensions.

As part of the wider welfare reforms, the Government was abolishing the discretionary Social Fund from April 2013 and asking local authorities to set up replacement schemes for Crisis Loans and Community Care Grants. The Authority had spent time in assessing the impact of the range of changes proposed by the reform of the welfare benefits system.

In February 2013, the Elected Mayor had convened a cross party Welfare Reform Task and Finish Group to ensure that the Authority and its partners were prepared for the impact of the Government's welfare reform changes, and that appropriate arrangements were put in place to support people affected by the changes. The Task and Finish Group would develop recommendations for a Borough wide Welfare Reform Action Plan and would cover the local response to each of the individual reforms, with an assessment of the impact and financial implications for the residents affected.

The Localised Council Tax Support Scheme had been agreed at full Council on 30 January 2013 (Minute C122/01/13 refers) and would provide additional support to

working age claimants up to 93 percent of their Council Tax liability. In order to support those affected the Authority would increase the Discretionary Housing Payment Fund to the maximum level and the Welfare Reform Task and Finish Group would be responsible for reviewing the criteria for the Authority's use of Discretionary Housing Payments.

The Government's contention in localising support for Crisis Loans and Community Care Grants was that local authorities were better placed to provide assistance in these circumstances, as many of the reasons for making an application would be linked to wider services that councils already provided and/or commissioned. It was also hoped that local control would ensure that best use was made of the limited funding.

There was no requirement for local authorities to set up the replacement scheme(s) in a particular way and local authorities had been encouraged to:

- work in partnership with the local Third Sector to develop schemes
- explore a range of in-kind support, and to link to advice, information and advocacy
- explore a full range of models for delivery.

The localising of the schemes provided the Authority with opportunities to build on its contact with people who faced a crisis situation to help them prevent repeat episodes and to maximise the value of the funds. To this end there would be a single approach to prevention that would align the use of these funds to existing care and support provision.

The report set out current arrangements for the payment of Community Care Grants and Crisis Loans, together with the principles for the delivery of a service to replace Community Care Grants and Crisis Loans, including:

- Transfer of funding for the new provision
- Principles for a Local Welfare Provision Scheme
- Type of provision covered by the Awards
- Service delivery
- Eligibility criteria
- Exclusions
- Evidence required as part of the application process
- Dispute resolution

Cabinet considered the following decision options:

Option 1 - approve the implementation of Local Welfare Provision and the Eligibility Criteria, as detailed in the report.

Option 2 - request that more work is done to define the offer of Local Welfare Provision in North Tyneside, noting however that the Authority has to be in a position to provide a method of support from 1 April 2013.

Resolved that (1) the plans for implementing a Local Welfare Provision in North Tyneside, as set out in the report, be approved; and (2) the proposed eligibility criteria be approved.

(Reason for decision - the service will be able to commence at the beginning of April 2013, allowing continuity of crisis support to the population of North Tyneside.)

CAB230/03/13 Procurement Strategy 2013-2017 (Previous Minutes CAB108/10/12 and CAB148/12/12) (All Wards)

Cabinet considered a report which requested approval of a new Procurement Strategy for 2013-17. The Strategy set out a clear direction for procurement throughout the Authority over the next four years, and had been prepared following extensive engagement with a range of interested stakeholders. This followed on from the previous Procurement Strategy (2008-2012), and reflected the changing commercial environment in which the Authority now operated.

Cabinet had previously approved a proposed set of commercial and procurement principles for consultation with interested stakeholders and had received further update reports concerning the work being undertaken in relation to the Authority's approach to supporting local procurement and reducing the carbon footprint, whilst creating and supporting local employment.

Cabinet had endorsed the work being undertaken, and agreed that a new Procurement Strategy would recognise the impact of local procurement in the Authority's operations, incorporate legislative changes, and codify the range of measures already introduced by the Authority during 2012/13 to support local business, as reported to Cabinet in October 2012. This Procurement Strategy would also identify any new initiatives necessary to progress or reflect the aspirations identified through a programme of engagement with key stakeholders, once this engagement was concluded.

Comprehensive engagement with a wide range of stakeholders had taken place, as detailed in the report, the outcomes of which confirmed the proposed procurement principles and had been used to prepare a new Procurement Strategy for 2013-2017. The Procurement Strategy had been prepared jointly with the Authority's new strategic partner for business services, Balfour Beatty.

In the 21st Century, most public sector organisations bought their goods and services as much or more often than they provided them. For that reason, a strong clear approach to procurement was important. In a period of financial austerity and rising expectations for service delivery it was critical that the Authority used its purchasing power to secure best value for its customers and the taxpayer. In a difficult economic time it was also important that the Authority understood the local impact of its purchasing power and the benefit its supply chain could bring to North Tyneside.

The Commercial Capacity and Procurement workstream of the Change, Efficiency and Improvement (CEI) programme had been established to drive out efficiencies from the £154m that the Authority spent on purchasing goods and services each year. As part of this workstream, the Authority had engaged with a wide range of stakeholders regarding its commercial and procurement approach; and the draft set of commercial principles and procurement principles agreed by Cabinet for further consultation in June 2012. Outcomes and feedback from this engagement, which were detailed in the report, had helped to inform the development of the new Procurement Strategy for the Council, setting out a clear approach for procurement for 2013-17. Officer feedback had also supported the procurement principles.

The purpose of the Procurement Strategy was to communicate clearly to all stakeholders and customers, including elected members, chief officers, operational managers, procurement practitioners, partners, voluntary and community groups, and business, the Authority's vision for the way forward in the commissioning and procurement of services, supplies and works.

Feedback from engagement demonstrated that the draft commercial and procurement principles agreed by Cabinet in June 2012 reflected the aspirations and concerns of key stakeholders, and gave greater context to what business, the voluntary and community sector, and officers saw as important. The draft principles were therefore confirmed, and had been included in the new Procurement Strategy for 2013-2017.

Given the views relating to supporting the local supply chain and local procurement generally, Annex 1 of the Procurement Strategy detailed the actions that the Authority had undertaken to support local procurement, and also identified specific actions that were being developed to inform and encourage local procurement in the future.

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 Procurement Strategy for 2013-2017, attached as Appendix A to the report, be approved.

(Reason for decision – it will enable the Authority to continue to develop an excellent approach to procurement that makes sense to customers, elected members, officers, partners, and business; an approach that makes a distinct difference to customers, supports local procurement, and demonstrates value for money for the tax payer.)

CAB231/03/13 Contract Agreement for the Supply of a Multiple Maintenance Service (All Wards)

Cabinet considered a report which requested approval to undertake a tendering exercise for the provision of a multiple maintenance service across the Borough, which would include the following services:

- Weed Control
- Burial Service
- Royal Quays Grounds Maintenance Service
- Cemeteries and Churchyards Grounds Maintenance Service.

The Authority currently had individual contracts in place with external providers for aspects of maintenance works and service provision within Environmental Services, which would form the basis of the procurement. The current contract standards would be outlined within the specifications provided as part of the procurement process, which would specifically reference industry best practice. This would ensure a high quality service which could be effectively monitored.

The proposal to amalgamate four existing stand alone contracts for the respective services, into one, followed a cost review exercise, which had identified that better value may be achieved as a result of amalgamating the four contracts. The review had involved consultation with officers from the Procurement Service and the existing contractors. It was proposed that any contract arrangement be for a period of three years, with an option to extend for two years, with the extension being awarded on an annual basis. This extension would be subject to value for money considerations and contractor's performance.

Current contractual arrangements expired as follows:

- Weed Control – 31st December 2012
- Burial Service (Bereavement Services) – 31st March 2014
- Royal Quays grounds maintenance service – 31st March 2014

- Cemeteries and Churchyards grounds maintenance service (Bereavement Services) – 5th March 2013.

The Authority would have to terminate both the burial service and Royal Quays grounds maintenance service early and would need to serve formal written notice on the current providers for this purpose. The current providers had been consulted on this. The weed control contract and cemeteries and churchyards grounds maintenance contracts had been extended in order to ensure continued service provision pending the proposed procurement. This approach would enable contracts to be terminated together and the new contract commenced in order to secure better value for money. There were existing financial provisions within the service budget to resource these contracts.

The procurement exercise, if approved, would be undertaken with the anticipation that a new provider would be in place for 1 October 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 authority be delegated to the Head of Environmental Services, in consultation with the Strategic Director of Finance and Resources, the Head of Law and Governance and the Cabinet Member for Transport and Environment, to undertake a procurement exercise in respect of and to appoint and award a contract for the provision of a multiple maintenance service contract across the Borough, as detailed in the report, with an initial contract period of three years, with an option to extend for a further two years on an annual basis.

(Reason for decision – it is anticipated that due to the economies of scale, the amalgamation of four contracts into one will provide better value for money for the Authority.)

CAB232/03/13 Date and Time of Next Meetings

12.30pm on Monday 18 March 2013 (Extraordinary Meeting)
6.00pm on Monday 8 April 2013 (Ordinary Meeting)

Minutes published on Thursday 14 March 2013.

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 22 March 2013.