

Cabinet

10 June 2013

Present: N Redfearn (Elected Mayor) (in the Chair),
Councillors EN Darke, CA Gambling, R Glindon, I Grayson,
JLL Harrison, CB Pickard, L Spillard and JJ Stirling

In Attendance: M Cushlow (NHS North of Tyne)
P Hedley (Business Representative)
R Layton (JTUC)
S Neill (Northumbria Police)
I Sidney (Young Mayor)
D Titterton (Voluntary Sector)
Councillor J M Allan

CAB13/06/13 Apologies

Apologies were received from Councillor F Lott and L Gardiner (VODA).

CAB14/06/13 Declarations of Interest

There were no declarations of interest made.

CAB15/06/13 Minutes

Resolved that the Minutes of the meeting held on 20 May 2013 be confirmed as a correct record.

CAB16/06/13 Report of the Young Mayor

A report was presented by the Young Mayor, who congratulated the Elected Mayor on her election.

The Young Mayor reported on the following activities in which he and/or Young Cabinet members had been involved:

- Giving an interview to a presenter from Real radio to promote Ban Boredom and highlight to young people the variety of activities available to them if they checked on the Council's website.
- Attendance at the first meeting for Souter Park and Churchill Playing Fields bid for funding to Heritage Lottery fund.
- Attendance at the British Youth Council Convention in Morpeth which was hosted by Northumberland members of Youth Parliament.
- Attendance at a meeting with the newly selected Healthwatch Chairman.
- Participation in a meeting to evaluate research from Newcastle University into the health of young people.
- Participation in the presentations of the Chairman's Commendation Awards.
- Visit to Northumbria Water's treatment works in Howdon.
- Planning to host a visit from Norwegian youth councillors.
- Planning of The Event, with the main focus on selling wristbands to young people.

The Mayor thanked the Young Mayor for the report and congratulated him and the Young Cabinet on their work.

CAB17/06/13 2012/13 Provisional Finance Outturn Report (All Wards)

Cabinet considered a report that detailed the provisional outturn for the General Fund, Housing Revenue Account, School balances position, the financial and delivery aspects of the Capital Plan and the delivery of the Treasury Management Strategy, together with the associated prudential indicators for capital and treasury for the financial year 2012/13.

As at 31 March 2013 the provisional General Fund revenue outturn position was an underspend of £0.146m. Approval of the carry forward requests detailed in the report of £0.070m would result in a surplus of £0.076m. The surplus had been transferred to the Strategic Reserve in accordance with the Reserves and Balances Policy. Directorates showed an overspend of £1.286m (after accounting for utility costs centrally) at 31 March 2013, an improvement of £1.127m against the year-end projections reported to Cabinet on 11 March 2013. The Directorates' outturn needed to be considered alongside the underspend of the contingency budget of £2.719m. The contingency budget for 2012-13 had been set at a level that took into consideration issues specifically relating to general inflation, demand-led pressures and the CEI programme some of which had contributed to the outturn position. Corporate and Non-delegated items, including these contingencies, showed an underspend against budget of £3.148m.

As part of the 2012/13 final accounts, amounts had been set aside as provision and reserves for known liabilities and uncertainties that still remained in future years. This included the provision for equal pay settlements of £1.797m.

The Housing Revenue Account had year-end balances of £2.199m, an improvement against the budget of £0.896m. This was as a result of an in-year surplus of £0.059m and improved balances brought forward at the start of the year of £0.837m.

School balances had reduced from £6.726m to £6.054m. These balances included a significant amount of committed funds and the permitted carry forward of grants for the remainder of the academic year. School balances continued to be monitored closely.

The final capital expenditure for the year was £40.528m, with a recommendation for Cabinet to approve reprogramming of £12.365m into 2013/14. The financing of the Capital Plan had been varied during the year to reflect the level of grants received and reprogramming. A shortfall of capital receipts for the general fund amounted to £3.059m. This shortfall had been met through Prudential Borrowing.

The Council had acted prudently during the year, confirming that the security of the Council's resources was of greater importance than returns on investments. To that effect, treasury management activity during the year had focused on reducing the inherent risk to the Council. The level of investments at 31 March 2013 was £5.700m. The level of borrowing (excluding PFI) had increased by £5.170m from £446.111m to £451.281m.

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

Resolved that (1) the provisional 2012/13 outturn for the General Fund, Housing Revenue Account and Schools Finance, together with a financial overview of the year, as set out in the report, be noted;

- (2) the requests for carry forward of budgets of £0.070m be approved;
- (3) the decisions made under the Reserves and Balances Policy be noted;
- (4) the Council's Capital Plan spend during 2012/13 and the financing put in place, be noted;
- (5) further reprogramming of £12.365m within the Capital Plan be approved;
- (6) the Council's Treasury Management performance be noted; and
- (7) performance against the Capital and Treasury prudential indicators be noted.

(Reason for decision – it is important that Cabinet continues to monitor performance against the Council Plan and Budget. Reprogramming of the Capital Plan will ensure that the delivery and financing of the Plan is balanced over the medium term.)

CAB18/06/13 Management of Risks Across The Council (Previous Minute CAB5/05/13) (All Wards)

Cabinet considered a report which outlined the Authority's Risk Management Framework, as requested at the previous Cabinet meeting.

Risks were managed as part of officers' day to day responsibilities throughout the organisation. Information on this management process was captured centrally for the purposes of reporting in order to provide assurance to the organisation through the Risk Management Framework.

Currently, risks were classified as corporate strategic level, directorate strategic level and directorate operational level. This classification was designed to allow risks to be managed according to their significance, and potential materiality and impact. Corporate strategic risks were, by their nature, exceptional – they may significantly impact on all aspects of the Council's operations, or one area of the Council's work so acutely that they merited being managed at the highest officer level within the Council. Accordingly, all corporate strategic risks had a named 'risk owner' from the Council's Strategic Leadership Team (SLT).

Directorate risks were managed at two levels – strategic and operational. Directorate strategic risks were owned by either a Strategic Director or Head of Service. Directorate operational risks were owned by service managers.

The Council had strategic partnerships with Balfour Beatty and Capita Symonds, and also Kier North Tyneside. Relevant risk registers had been developed for each partner detailing risks which might impact delivery of the partnerships. Partnership risks were owned by Client Leads or Partnership Managers. To help ensure that the risks were being managed effectively the Senior Risk Advisor met with all risk owners on a quarterly basis to obtain the latest risk updates and provide challenge. These risks were then further reviewed and challenged by the relevant Operational / Strategic Partnering Board whose membership included elected members and senior officers from both the Council and strategic partners.

Risks could be identified at any time, by any officer or by any elected member. When risks were identified, they were managed as part of the everyday responsibilities for service delivery, by officers of the Council. Once identified, they were included on the relevant risk register so that all risk information was captured in a standard format. This enabled the consideration and challenge of risks, and contributed to the management of those risks, on a consistent basis.

Corporate strategic risks were managed by the named 'risk owner' from SLT. This risk owner was responsible for continuously assessing the controls necessary to manage the risk and any changes to the nature of the risk. The risk owner reported formally on

this work twice a year to SLT. SLT challenged the account of risk management, the controls in operation or planned, and the risk score (both target and actual) suggested by the risk owner. SLT could agree to amend the risk register if appropriate, following this review. Risks continued to be managed in the intervening periods, in accordance with the agreed controls.

Directorate strategic risks and directorate operational risks were owned by a named officer who was similarly responsible for assessing the application of controls necessary to manage the risks. These risks were managed at directorate level and reviewed quarterly as part of the work programme of the Directorate Leadership Teams (in the case of directorate strategic risks) or by an Operational Risk Management Group, comprised of directorate officers (in the case of directorate operational risks).

Partnership risks were owned by either a client lead or a partnership manager who were also responsible for assessing the application of controls to manage the risks. These risks were managed at operational and strategic level and reviewed quarterly as part of the Strategic and/or Operational Partnering Boards.

Risks could be escalated to the next level of the Risk Management Framework at any time, where circumstances increased the risk to the authority. Similarly, where risks decreased in likelihood or impact, these could be downgraded for management at a lower level in the Risk Management Framework.

Cabinet was currently formally involved in the review and challenge of risk information at the corporate strategic level. Following SLT's review of the corporate strategic risks, these were reported to Cabinet twice a year. This allowed Cabinet to consider the Council's corporate risk register in its totality. Once Cabinet had considered the corporate strategic risk information, and once any results of this consideration had been reflected in the risk register as necessary, this was reported to the Audit Committee as part of the Council's framework of governance and control.

Strategic Directors, Heads of Service and Managers discussed risks as part of regular communication with Cabinet members, on the Council's operations. However, there was no formal process for this briefing.

There were further steps which the organisation may wish to consider to improve the assurance framework relating to Cabinet member involvement in the risk management process. These involved formalising the cascading of risk information to Cabinet portfolio holders, to ensure that risk awareness was enabled as part of an established process.

Cabinet considered the following decision options:-

Option 1 – To introduce additional stages to the Risk Management Framework set out in paragraph 1.2 of the report, aimed at ensuring greater formalisation of arrangements for Cabinet member involvement in risk management within their portfolio areas;

Option 2 – Not to introduce the recommendations set out in paragraph 1.2;

Option 3 – To identify and introduce alternative arrangements.

Resolved that (1) each risk at all levels in the Council's Risk Management Framework be allocated a named Cabinet portfolio holder;
(2) each Cabinet Member receive a copy of all current risk information for their portfolio, alongside a briefing on risk management issues by relevant officers from the Senior Leadership Team (SLT);
(3) where risks change, at any level, the named Cabinet Member and the Cabinet member for Finance and Resources be informed by the relevant SLT officer, as part of regular briefings on the management of the Council's operations; and

(4) an additional review stage be added to the Risk Management Framework for whenever corporate strategic risk management information has been formally updated, during which the Cabinet member formally reviews and challenges the risk owner's account of how the risk is being managed, before review by SLT and Cabinet.

(Reason for decision – to formalise the role of the Cabinet member with portfolio responsibility in the management of risks within their portfolio areas, and that of the lead Cabinet member for Finance and Resources, thereby increasing Cabinet member assurance in the management of risk.)

CAB19/06/13 Performance Progress Reports (All Wards)

Cabinet considered a report which provided a quarterly progress report from the Senior Leadership Team setting out achievements against the Council's ambitions and priorities set out in the Sustainable Community Strategy (Appendix 1 of the report) and the North Tyneside Strategic Partnership Annual Performance Report 2012-13, (Appendix 2 of the report) which detailed progress against the four Strategic Partnership themes: Regeneration, Quality of Life, Best Start in Life, and Sense of Place. Performance was measured against the agreed set of indicators for each Priority.

The report was the last that would be presented to Cabinet as part of the current corporate performance management framework. An improved corporate performance management framework would be developed and subsequent performance reports would therefore be different in content and format.

This was also the final quarterly report of the current Sustainable Community Strategy prior to the development of any future plan for the Council and its Partners.

Cabinet considered the following decision option: to note the key achievements and challenges remaining to be addressed.

Resolved that (1) progress against the Council's plans for 2012/13, as set out in Appendix 1, be noted;
(2) progress against the priorities of the Sustainable Community Strategy, as set out in the NTSP Annual Performance Report 2012-13 at Appendix 2, be noted; and
(3) it be noted that these will be the last reports presented to Cabinet as part of the current performance management arrangements, as referred to above.

CAB20/06/13 Jupiter PaRC @ Swans Procurement of a Quay Operator (Wallsend Ward)

A report was considered which sought approval to commence a European Union compliant procurement process to appoint a quay operator to deliver services at Jupiter PaRC @ Swans.

As part of the on-going process to bring forward the redevelopment of the former Swan Hunter site new manufacturing uses, the Authority had secured £13.8m of public sector grant from the ERDF, the Homes and Communities Agency (HCA) and the Local Enterprise Partnership Growing Places Fund for new site infrastructure. The site infrastructure works included improvements to the quay walls, the strengthening of the adjacent load in/load out and storage areas and dredging the river to ensure the riverside quay met the needs of existing and new businesses. The works were estimated to cost £7.95m and would be funded by external grant of which £3.98m was ERDF grant and the remaining £3.97m was from the HCA and Growing Places Fund. Recent enquiries from potential new manufacturing businesses highlighted that

deepwater berthing, on-site craneage and other quay facilities would be essential to secure their interest in the site.

The riverside quay would be an essential facility for new tenants on the wider Jupiter PaRC @ Swans site. The Authority was seeking to appoint a quay operator with the necessary skills and capacity to manage the increased use of the quay arising from the improved facilities, which was seen to be fundamental to the success of the site and the creation of new business and job opportunities.

In August 2012 the Authority had commenced a procurement process to appoint a Developer Partner to build advanced manufacturing units on Jupiter PaRC @ Swans and also provide new utility infrastructure on behalf of the Authority as part of the ERDF grant funded works. The Developer Partner had been appointed through a European procurement process in accordance with the Public Contracts Regulations 2006, in order to comply with State Aid regulations and to minimise the risk to the Authority of any clawback of ERDF grant. This process had been completed when the preferred bidder for Developer Partner had been confirmed by Cabinet on 18 March 2013 (Minute No. CAB235/03/13 refers).

In November 2012, during the procurement process for the Developer Partner new guidance had been produced by the European Committee of the Coordination of Funds which made it clear that any European grant for infrastructure, which resulted in the provision of a facility that would generate an income, such as a toll road or quay, would have State Aid implications. This was the case even if the applicant was a Public Sector body and the facility would therefore need to be marketed to bring in an operator to comply with the State Aid regulations. After seeking external legal advice to confirm the implications of the new guidance, the operation of the quay had been removed from the Developer Partner procurement process and the bidders involved at that stage advised that a separate procurement exercise would be undertaken in due course to select a Quay Operator.

A further report would be brought to Cabinet to detail the results of the procurement exercise, and to seek authorisation to appoint if appropriate.

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

- Resolved** that (1) the Elected Mayor be authorised to determine whether to proceed with the procurement exercise for a quay operator for the Jupiter PaRC @ Swans Site; and
- (2) provided the procurement exercise is agreed the Elected Mayor be authorised to:
- (a) determine the term of any contract awarded, on the basis of the most economically advantageous tender, in accordance with the evaluation criteria; and
 - (b) agree the specification for the procurement and the evaluation criteria.

(Reason for decision - this will lead to an early appointment of a quay operator, which is an integral part of the redevelopment of Jupiter PaRC @ Swans. The success of the Enterprise Zone at Jupiter PaRC @ Swans is reliant on the provision of quayside services that will draw businesses to the site. This procurement route ensures the Authority complies with EU directives, State Aid requirements and will minimise the risk of clawback of grant funding from the Authority.)

CAB21/06/13 Surface Water and Drainage Partnership Update (All Wards)

Cabinet considered a report which gave an update on the progress of the Surface Water and Drainage Partnership.

On 14 January 2013 Cabinet had considered the final report of the Flooding Task and Finish Group which had been established after the flooding events in 2012 (Minute CAB169/01/13 refers), when it was agreed to establish the North Tyneside Surface Water and Drainage Partnership. Cabinet had agreed that the Partnership would take forward an action plan to deliver the following outcomes:

- Visible Preparation and Management
- Community Awareness and Resilience
- Understood Response Priorities
- Visible Partnership and Accountability

Cabinet had also agreed that the North Tyneside Surface Water and Drainage Partnership would provide regular updates on progress to Cabinet and other bodies as required. This was the first report.

The Partnership had held its first meeting on 22 March 2013 and achieved the following:

- confirmed its terms of reference (attached as Appendix 1 of the report);
- confirmed the lead responsibilities and timescales for the 24 items in the Action Plan (attached as Appendix 2 of the report). Of the 24 actions, 21 were complete, with action on the remaining 3 being undertaken;
- discussed draft versions of two key documents presented by Capita Symonds – the North Tyneside Local Flood Risk Management Strategy and Implementation Plan. The Partnership was due to approve the final versions of these at its next meeting on 2 July 2013;
- reviewed the Council's Flood Season Action Plan that had been developed by the Authority's emergency planning team. The intention was to now develop this plan into a reference document that could support Flood Warden volunteers. A final version of the Action Plan was due to be agreed at the next meeting of the Partnership on 2 July 2013, ahead of the start of "flood season";
- discussed the Communications Plan that had been developed by the Partnership's Community Preparedness Sub Group to support the work of the Partnership. The Group had noted the information products which had been issued to residents and agreed that a more targeted approach would be needed for local businesses. The Group had discussed the feedback from the public information event held on 16 March 2013 and agreed that further work be done by the Sub Group to run some area based town centre roadshows to continue to raise awareness and to provide information. This work was underway;
- noted the progress made by the Partnership's Community Preparedness Sub Group to establish a network of Community Flood Wardens as part of the work on community resilience – particularly for those parts of the Borough that were at risk of flooding. The proposal for Flood Wardens was being based on best practice from similar schemes in other areas such as Doncaster and the role of the Wardens would be agreed through the Council's Emergency Response Leadership Group to ensure an appropriate fit with emergency response handling. Some residents had already volunteered to be Flood Wardens, following some earlier media coverage on the proposal and two events were due to be held on 12 and 13 June 2013 to provide more information for people who were interested. The aim was for Ward Members to be closely involved with the Flood Warden network; and

- agreed that each meeting of the Partnership would include a briefing from one of the partner agencies on the key areas they were taking forward in relation to flooding. At the first meeting, this was Capita Symonds who outlined the creation of a new Surface Water Management Team.

A copy of the draft minutes from the meeting was attached at Appendix 3 to the report. The Elected Mayor had agreed that in future the Partnership would be chaired by the Cabinet Member for Housing and Environment and the Cabinet Member for Community Engagement would also become a member.

In response to a Member's question, the Cabinet was advised that the programme of work to alleviate flood risk in priority areas that was currently being developed, would be reported to the next Partnership meeting on 2 July and would also be the subject of Members' briefings on 2 and 3 July.

Cabinet considered the following decision option: to note the progress made by the Surface Water and Drainage Partnership.

Resolved that (1) the Surface Water and Drainage Partnership Quarterly Update be noted; and
(2) it be noted that the Partnership will be chaired by the Cabinet Member for Housing and Environment and that the Cabinet Member for Community Engagement will also be a member.

(Reason for decision – to enable the work of the Partnership to progress in line with its agreed action plan.)

CAB22/06/13 Initial Proposals for the Development of the Community Safety Strategy 2014-2019 (All Wards)

Cabinet considered a report which outlined the process to be undertaken by the Safer North Tyneside Partnership in the production of its 2014-2019 Community Safety Strategy, including information that would be taken into account to inform the priorities of the Strategy. The Authority had responsibility for leading the preparation of the Strategy on behalf of the Partnership.

It was a statutory requirement for Community Safety Partnerships (known in North Tyneside as Safer North Tyneside) to prepare an annual 'strategic assessment' of crime and disorder issues impacting on the local community and for this to shape how the Partnership responded to emerging issues. This process informed the Community Safety Strategy and an annual review of that Strategy.

The Partnership's Strategic Assessment was a critical part of this review process and included:

- an analysis of the levels and patterns of crime, disorder, substance misuse, reoffending and behaviour adversely affecting the environment in the area;
- an analysis of the changes in those levels and patterns since the previous strategic assessment;
- an analysis of why those changes had occurred;
- the matters which the responsible authorities should prioritise when each were exercising their functions to reduce crime and disorder, combat substance misuse and reduce reoffending in the area; and
- the matters which the persons living and working in the area considered the responsible authorities should prioritise when each were exercising their

functions to reduce crime and disorder, combat substance misuse and reduce reoffending in the area.

The Community Safety Strategy was required to set out:

- a strategy for the reduction of crime and disorder and for combating substance misuse and reoffending in the area beginning April, 2014;
- the priorities identified in the strategic assessment prepared during the year prior to April 2014;
- the steps Safer North Tyneside considered necessary to take to implement that strategy and meet those priorities; and
- the steps Safer North Tyneside should take to measure its success in implementing the strategy and meeting those priorities.

A first draft of the 2013 Strategic Assessment would be presented to the Safer North Tyneside Board for consultation and comment in July 2013. The Authority's Community Safety Analyst would work on the Assessment throughout the summer period; this work would include incorporating the findings of the North Tyneside Residents' Survey 2012.

To shape the priorities for the Community Safety Strategy, the Safer North Tyneside Policy and Performance Group (a group of senior officers of the Council, partner agencies and representatives of the Voluntary and Community Sector) would review the findings of the Strategic Assessment in September and make recommendations on the strategic direction and priorities in a first draft of the Strategy to Safer North Tyneside's Board in October, 2013. The Board would consult a wide range of stakeholders on its proposed priorities between October and December, 2013.

Senior Officers from the Partnership would develop the Strategy around the agreed priorities with a view to the Safer North Tyneside Board agreeing the draft Strategy at its meeting in January 2014 for recommendation to Council to approve the Strategy on behalf of the Authority.

In accordance with the Budget and Policy Framework Rules of Procedure as set out in Part 4.7 of the Council's Constitution, the Overview and Scrutiny Committee would be consulted on the Community Safety Strategy initial proposals. As part of the consultation programme the draft Community Safety Strategy would be presented to Overview and Scrutiny Committee prior to its referral to Cabinet and then finally Council for approval.

In response to a Member's comment about an increase in crime figures in North Tyneside in the last two months, Chief Superintendent Neill indicated that North Tyneside was the safest metropolitan borough in the country and Members welcomed his offer to provide a briefing on crime and disorder issues in the Borough.

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

Resolved that the initial proposals in relation to the preparation of the Safer North Tyneside Community Safety Strategy for the period 2014 to 2019 and the associated consultation arrangements be approved.

(Reason for decision - it will ensure the Authority, with its partners, is working within an up to date and relevant evidenced based framework for tackling community safety issues and is able to meet its statutory duty.)

CAB23/06/13 Core Strategy and Area Action Plan - Cabinet response to Overview and Scrutiny Recommendations (All Wards)

Cabinet considered a report which responded to the recommendations of Overview and Scrutiny Committee in its report to Cabinet of 8 April 2013 (Minute CAB243/04/13 refers), outlined the implications of the Committee's recommendations for the work programme of the Core Strategy and Area Action Plans and the options available to Cabinet to review the work programme for the Core Strategy and Area Action Plans.

The Authority was required to produce documents which set out its policies relating to the development and use of land in its area. The most important of these were Development Plan Documents (DPDs), also known as Local Plans, which included any allocations of land for development and general planning policies. They were the starting point for the determination of planning applications.

The Authority was also required to publish a Local Development Scheme (LDS) that described the DPDs it intended to prepare, and the timetable for their production. Once an LDS was published the Authority had to publish up to date information on compliance within the timetable.

The LDS 2012, approved by Cabinet in October 2012 (Minute CAB100/10/12 refers), had identified the production of four DPDs; the Core Strategy, and Area Action Plans for North Shields, the Coast and Wallsend.

The main stages in the process required for the preparation and adoption of DPDs were set out in the report.

At its meeting on 3 December 2012, the Overview and Scrutiny Committee had established a Core Strategy Sub-Group to review the Core Strategy and report findings back to the Committee. Having met on two occasions in March 2013 to consider the themes of Housing and Population and Employment Land; the sub-group had noted that a number of assessments/reviews that would provide updated evidence for the Core Strategy were underway. It was envisaged that much of this updated evidence would be available by June 2013.

The subsequent recommendations of Overview and Scrutiny Committee to Cabinet were to:

- Delay the timescale for the publication and public engagement on the Consultation Draft version of the Core Strategy, which was scheduled to begin in July 2013, by up to 3 months. This would allow information from a number of imminent reviews/assessments to be available and taken into account in advance of the consultation; and
- Delay the publication of the Area Action Plans until the overarching core strategy was further developed.

The evidence based reviews/assessments expected to be completed in June / July 2013 included the Employment Land Review, Infrastructure Delivery Plan, Viability Assessment and Strategic Housing Land Availability Assessment.

The Overview and Scrutiny Committee report to Cabinet detailed the implications for the overall Core Strategy timetable, but did not set out a potential revised timetable for the production of Area Action Plans. The potential implications of a delay in progressing the Area Action Plans pending further progress on the Core Strategy were detailed in the report. The Area Action Plans were currently subject to consideration in accordance with the Authority's Policy Framework procedure, with initial proposals for a joint publication draft AAP considered by Overview and Scrutiny Committee on 3 December 2012.

The report set out a potential revised timeframe for production, based on completing the Policy Framework procedure for the Area Action Plans following public engagement on the Core Strategy consultation draft.

As a result of the Cabinet's consideration of the recommendations of Overview and Scrutiny Committee there was a need to update the work programme of the Local Development Scheme 2012. Based on the last published Local Development Scheme, the LDS 2012, the recommendations of Overview and Scrutiny Committee would mean final adoption of the Core Strategy would be two months later than programmed whilst adoption of the three Area Action Plans would be delayed by up to 10 months.

Delay in production of the Core Strategy would enable the document to be advanced taking into consideration the latest evidence affecting housing and population growth, employment land requirements, infrastructure delivery and viability. This would be of key importance to ensuring the Core Strategy would be found sound by an Independent Inspector at examination and recommended for adoption.

Delay of the Area Action Plan following the next stage of consultation on the Core Strategy would enable the AAPs to be guided by a clearer understanding of the emerging policy and guidance of the Core Strategy. Currently scheduled to precede Core Strategy adoption by over one year in the LDS 2012, the recommendation would mean adoption of the Area Action Plans no more than seven months earlier than the Core Strategy.

In considering the amendments to the work programme, in response to the recommendations of Overview and Scrutiny Committee, Cabinet was requested to consider the option now presented by the Localism Act 2011 and Local Planning Regulations 2012. These recent changes to the planning system removed the previous requirement to produce a suite of documents within a Local Development Framework, and encouraged production of a single Local Plan document stating that any additional development plan documents should only be used where clearly justified.

The Authority had the opportunity to create a single Local Plan through combining the emerging policies and proposals of the three Area Action Plans with the emerging Core Strategy, which could be progressed taking into consideration the responses and comments received in response to the extensive consultation processes already undertaken for the individual plan documents.

Such a Local Plan would be consulted upon jointly across the Borough and would be subject to a single process of consideration through the Policy Framework procedure and would be progressed through a single process of independent examination. This approach would mean that policy for the Area Action Plan areas would be delayed by a further 7 months. The report detailed a proposed single Local Plan timetable.

A single Local Plan brought about a number of benefits that it was suggested outweighed the costs of further delay. It would enable a clear and coherent approach linking both the strategic development and growth of North Tyneside (the Core Strategy), and targeted regeneration and investment (the Area Action Plans), to be communicated to the public and consultees through a single consultation process.

Such an approach would also mean proposals that could be developed for the North West Settlement Enhancement Planning Framework could also be included within the single Local Plan, enhancing the planning status of those proposals. This would provide consultees with a clearer impression of the overall strategy for North Tyneside and consider the connections between issues such as town centre regeneration and overall growth of the Borough. A single plan approach may also provide residents and

businesses from outside of the Area Action Plan boundaries but with an interest in them to feel that they had a greater say in the proposals of the Local Plan.

Additionally a single Local Plan would remove the need for duplication of strategic policies that may need to be included within Area Action Plans to be adopted earlier than the Core Strategy. A single Local Plan would also address any concerns over differing or competing policy approaches in one area of the Borough compared to another.

Cabinet considered the following decision options:-

Option 1 – approve the recommendations contained in paragraph 1.2 of the report

Option 2 – decline to approve the recommendations in paragraph 1.2 of the report but accept the initial recommendations of Overview and Scrutiny Committee set out at 1.5.7, requesting a revised Local Development Scheme work programme is prepared to take account of this; or

Option 3 – decline to approve the recommendation in paragraph 1.2 of the report and decline to accept the recommendations of Overview and Scrutiny Committee.

Resolved that (1) the Core Strategy and Area Action Plans are merged into a single Local Plan document;

(2) the timetable for the Local Plan document be progressed to the same timetable as the Core Strategy and the Overview and Scrutiny Committee's recommendation to delay the timetable for publication of the Core Strategy by up to three months, be accepted; and

(3) the Head of Business and Economic Development be authorised to publish a revision to the Local Development Scheme 2012 incorporating the amendments to the work programme and issue updates on the adherence to the programme as set out in the report.

(Reason for decision – as set out in paragraphs 1.5.16 to 1.5.24 of the report. This will enable a positive approach to engagement with the public and stakeholders in North Tyneside on proposals for sustainable growth, development and regeneration. It will also enable ongoing production in the most cost effective and efficient manner whilst bringing the Authority's planning documents up to date with the Localism Act and national planning guidance.)

CAB24/06/13 North Tyneside Local Account for Adult Social Care (All Wards)

Cabinet considered a report which gave an update on the production of the second Local Account for Adult Social Care and sought endorsement before its publication.

The Local Account contained information about the social care services provided by the Council. It identified the Authority's priorities for quality and improving outcomes in Adult Social Care. It also replaced the Care Quality Commission's annual assessment of councils as commissioners and instead would be scrutinised and endorsed by both the Health and Wellbeing Board and Healthwatch.

Adult Social Care had worked hard to develop the ideas and content of its first Local Account, published in 2012, to ensure that its second Local Account was more informative and provided more information about performance during the year. Much of the development work had been carried out as a result of peer review with neighbouring Local Authorities and regional work related to best practice.

The Local Account detailed the work Adult Social Care had carried out in relation to its four standards of:

- Prevention - helping to support individuals to remain as independent as possible for as long as possible, through the use of appropriate advice, information, care and support services, and by working together with the NHS and other Council services.
- Personalisation - supporting individuals to achieve more choice and control over the type of care and support they received through a personal budget.
- Protection - protecting vulnerable individuals in North Tyneside from abuse and keeping them safe from harm by working together with the North Tyneside Clinical Commissioning Group, Public Health, the Police, the Fire Service, and partners in Housing and Children's services.
- Positive Experience - providing individuals with a high quality service and offering good advice and information about care and support, housing related support, welfare assistance, and community activities, as well as supporting people to access social care and support services.

Within each of these four standard areas, the Local Account detailed Adult Social Care's commitment to customers, their carers and residents of North Tyneside, as well as the work carried out during the year, key performance measures, relevant facts and figures, and the planned work for the year ahead. In addition to these four standards, key information about the health and wellbeing issues which impacted upon North Tyneside residents and Adult Social Care customers had been included, as well as information about the workforce, and information about financial expenditure.

Many of the changes and additions to the 2013 Local Account were as a result of the joint work carried out by Adult Social Care and North Tyneside LINk, now HealthWatch, through the Local Account Scrutiny Group. This informal scrutiny group had provided a level of overview and scrutiny throughout the year and had helped to shape the Local Account and its content.

In addition to this year's written Local Account, Adult Social Care would also produce a video version. The video would bring the document to life, by featuring customers, their carers and members of the Adult Social Care workforce talking about their experience of social care services.

The report gave details of key performance highlights from 2012/13 under each of the four standard areas which would be included in the Local Account for Adult Social Care.

In relation to financial performance, in 2012/13 Adult Social Care had achieved savings of £6.384 million in line with the Change Efficiency and Improvement programme target for the service. Many of these savings had been achieved through the reduction and modernisation of former Supporting People projects, robust application of Continuing Health Care rules, the review of the Intermediate Care service, a contribution for reablement from the NHS, the restructure and redesign of Adult Social Care's operating model and restructure of the in-house provision for Learning Disabilities and Mental Health.

The CEI target for the Service in 2013/14 was £4.044m, and included savings related to the transfer of the Public Health team from the local NHS. Work was ongoing to further develop the outline savings plans for 2014/2015 and beyond.

Adult Social Care currently had 3 key strategic aims which continued to be relevant and guided the service for the year ahead. These were:

- Personalisation – continuing the journey of personalisation, to give greater choice and control in a way that was affordable for now and the future.

- Commissioning – commissioning services and only directly providing those that others could not.
- Safeguarding – continuing to drive up and monitor the quality of services provided to safeguard vulnerable people in the community.

The report outlined how it was intended to achieve those aims.

The report also outlined how the final Local Account document and video would be publicised across North Tyneside.

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

Resolved that the publication of the North Tyneside Local Account for Adult Social Care be endorsed.

(Reason for decision – National guidance on the Local Account states that councils are advised to publish and share their performance for the 2012/13 and outline plans and priorities for the year ahead to residents, adult social care customers and other stakeholders.)

CAB25/06/13 Adult Social Care Fair Access to Care Services (FACS) Policy Review (All Wards)

Cabinet considered a report which sought approval of the revised Adult Social Care Fair Access to Care Services Policy 2013.

The Department of Health had issued mandatory guidance on Fair Access to Care Services (FACS) for implementation in April 2003 to address inconsistencies across the country about who received support, in order to provide a fairer and more transparent system for the allocation of social care services.

North Tyneside Council's FACS policy had been developed in 2004 , and had since been updated to demonstrate how the Council operated its eligibility framework for access to Adult Social Care Services, most recently earlier in 2013 following further Department of Health guidance.

The FACS framework defined four levels of risk to independence; Critical, Substantial, Moderate and Low.

North Tyneside Council FACS Policy had set its threshold so that only needs resulting in substantial or critical risk would be met. The threshold was applied to all assessments and reassessments for all adult client groups.

The revised FACS Policy had been set in the context of Personalisation and increased demand for services. It aimed to:

- Give people more choice and control over the support they received to meet their eligible needs.
- Help people stay independent for longer or regain their independence as quickly as possible.
- Give all eligible people in receipt of social care support a Personal Budget to direct the funding available to them to meet their needs in a way that suited them best.
- Allocate limited resources according to individual need in a way that was as fair and transparent as possible

The key changes to the Policy were as follows:

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- Equipment and Adaptations - The provision of adaptations and equipment would always be considered where this might be more economical than the provision of paid support, and where this would be more consistent with promoting independence.
- Reablement and Enablement - In every case where support was to be provided, the potential for reablement or enablement would be fully assessed, and reviews would be scheduled to monitor improvement in the service user's ability to manage without the support or with a reduced level of service.
- Informal Support - Services would only be provided to people who had risks to their independence, which were eligible under the criteria and who did not have access to an informal source of support from family/carers etc. As the services user's circumstances, including the help already available to him/her, would be taken into account in assessing the level of risk to independence, a person's needs would not normally be judged to be eligible for support if adequate alternative support was available.
- Rigorous testing (including the use of Panel) - To ensure that services were provided to meet eligible needs in the most cost effective way, rigorous tests would be applied to high cost support packages to ensure that they were justified in terms of the benefits they delivered for the individual, and in terms of cost effectiveness and best use of public money. This may include the use of Panel to discuss high cost packages.
- Maximum spend on support packages - To ensure that needs were met in the most cost effective way, it was intended to work towards setting the maximum amount the Council would pay for packages at home, to the level normally paid for residential or nursing care for that individual. In order to ensure this decision was implemented appropriately further consultation would be carried out with those people who may be directly impacted by the change from July 2013.
- Meeting needs in the most cost effective way - If there was considered to be more than one way, appropriately to meet the eligible need, the Council had the discretion to offer the cheaper of two appropriate alternative means to meet that need. As long as the support arrangements were appropriate or not inappropriate, the Council could take cost into account in deciding whether to agree a person's support plan.

Many factors within the FACS Policy remained the same, in relation to National Eligibility Bandings; Groups eligible for assessment; only reducing to below the threshold; Best Value Duty; and Self Funders. Further details were set out in the report.

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

Resolved that the revised Adult Social Care Fair Access to Care Services policy 2013, incorporating the changes set out in sections 1.5.1 to 1.5.6 of the report, be approved

(Reason for decision – Since the implementation of North Tyneside Council's FACS policy, there have been significant changes in social care policy with the introduction of Personalisation and Personal Budgets. The revised 2013 policy encompasses the changes brought about with Personalisation and ensures that the Council's FACS eligibility criteria is refreshed so that it can be applied appropriately at a time of increased demands for services.

The threshold for which the Council will provide services (critical and substantial) has not been changed. The threshold remains consistent with the majority (80%) of other

Councils and in anticipation of a national eligibility threshold, which will be introduced by the Care and Support Bill in 2015.)

CAB26/06/13 Changes to Learning Disability Supported Living Services (All Wards)

Cabinet considered a report which detailed changes to supported living services for people with a learning disability and the consultation that had been undertaken so far. A further period of consultation on the implementation of the changes was currently underway with a range of interested individuals.

At its meeting on 11 June 2012, Cabinet had agreed to a procurement exercise for the invitation of tenders for a new supported living framework agreement for people with a learning disability or a mental health problem. This work had been completed and a new framework agreement was in place with 27 suppliers of care / support in supported living services.

The previous framework agreement had ended on 31 March 2013 and currently interim arrangements were being used, pending the outcome of reviews of individuals and individual services under the locality commissioning model.

During the budget setting process for 2013/16 a number of proposals had been agreed as part of the overall Council Change Efficiency and Improvement (CEI) Programme. Business case A15 related to the introduction of locality commissioning arrangements for independent supported living services in North Tyneside. This related primarily to people with a learning disability but also included some mental health services as well.

The rationale supporting this proposal was:

- Smarter commissioning of supported living services;
- Seeking opportunity to maximise use of shared care arrangements, overnight care and assistive technology;
- Seeking opportunity to use non-traditional services to meet people's needs;
- Use the new framework agreements to increase service quality and responsiveness of provision; and
- Increased choice and control for individuals by extending the number of suppliers available on the new framework

Within the overall efficiency attributed to Adult Social Care in the CEI programme, the efficiency identified within this proposal for changes to independent supported living services was £0.5m for 2013/14 and £0.5m for 2014/15.

As part of these arrangements Adult Social Care needed to review the eligible needs of service users in the supported living services. The involvement of service users and carers was integral to this process and would happen as part of standard social work review processes. Adult Social Care also engaged with service users and carers at the end of the review process to talk through the outcomes of the review, the impacts for them and then identify and go through the options that were available.

A key element of the budget decision making process was engagement and consultation with a wide range of individuals, groups, providers and partners. In the period December 2012 to February 2013 Adult Social Care had held in excess of 40 consultation events attended by over 550 people. Within this, there had been nine specific learning disability consultation meetings held attended by 105 individuals.

The consultation had focussed on a number of proposed changes to learning disability services and this included changes to supported living services via the introduction of a

locality based commissioning model. There were common themes, as follows, from the feedback on this proposal:

- General support as people understood that this would not require any changes to existing tenancies and therefore people were not being asked to move from their homes;
- Providers expressed concerns about existing contracts and the impact on small organisations. Customers and carers were concerned about the continuity of service provision and the relationships they had built up with existing care staff;
- People were keen to learn more about the possibilities of assistive technology but wanted to let the Authority know that technology could only achieve so much and members of support staff were also needed;
- People wanted to be assured that any changes to how care and support was delivered would take into account individual needs and ensure that risk was appropriately assessed and managed.

As part of the implementation phase, a number of carers of people in supported living services had aired their concern that they had not been directly involved in the consultation process and were opposed to the reviews proceeding. Whilst the Authority could demonstrate an active engagement / consultation process throughout December 2012 to February 2013 it was important to have the support of the carers and actively engage with them through some focussed consultation in June 2013.

Adult Social Care was undertaking a series of consultation sessions and feedback questionnaires. All users and carers would be invited to participate and a programme had been designed to ensure as full an involvement as possible.

The consultation would focus on the fact that Council had made a decision as part of its budget setting process and the efficiency was still required to be made. People would be asked to contribute to:

- How the changes might be implemented;
- How to actively engage with users and carers as part of the process;
- How users and carers could have a choice in who their care provider was to ensure continuity of care;
- How the Council could ensure service quality was integrated into the process; and
- If people did not agree, what alternatives could be considered to achieve the identified savings.

It was important that the outcome of the consultation exercise would need to feed into an outcome report which would inform the implementation phase of the project.

The Elected Mayor requested that this report be produced for the July Cabinet meeting if possible.

Cabinet considered the following decision options:-

Option 1 – approve the recommendations contained in paragraph 1.2 of the report

Option 2 – decline to approve the recommendations in paragraph 1.2 of the report

Option 3 – approve the content of the report but require a further report back to Cabinet for a decision on implementation following the consultation exercise.

Resolved that (1) the content of the report in relation to the changes to learning disability supported living services in North Tyneside, be noted; and (2) a further report be submitted to Cabinet to consider the outcome of the further consultation prior to proceeding to implement any changes.

(Reason for decision – this will enable the opportunity for further consultation with carers prior to any decisions being taken.)

CAB27/06/13 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act.

CAB28/06/13 Public Health Commissioning and Procurement Programme 2013-2015 (All Wards)

Cabinet received a report outlining the public health commissioning and procurement programme 2013-15, which set out the strategic commissioning intentions of the Authority in relation to public health.

The report referred to the return of key public health functions to local government on 1 April 2013 under the Health and Social Care Act 2012. Accordingly, the Authority now had significant public health responsibilities for health improvement and public health commissioning.

The report outlined the proposed approach to commissioning public health contracts underpinned by the principles identified in the Health Improvement Commissioning Strategy 2013/14; evidence based practice, integrated commissioning, outcome focussed, reducing health inequalities and securing best value.

The report also outlined the proposed approach in relation to the Authority as provider of health improvement services and the procurement of social prescribing, stop smoking services and drug and alcohol services in 2013/14; and sexual health services; CVD health check services; laboratory services and school nursing services in 2014/15.

Cabinet considered the following decision options:-

Option 1 - approve the Public Health Commissioning and Procurement Programme 2013-2015 in accordance with the recommendations at paragraph 1.2 in the report.

Option 2 - not approve one or more elements of the suggested Public Health Commissioning and Procurement Programme 2013-2015 set out at 1.2 in the report.

Resolved that (1) the timetable of the Public Health Commissioning and Procurement Programme 2013-2015 set out in the report be approved;

(2) the procurement of a Social Prescribing, Stop Smoking and Drug and Alcohol services in 2013/14 be approved;

(3) approval in principle be given to the development of health improvement services within the Authority; and

(4) a further detailed report be submitted to Cabinet in September, seeking approval on the plan to commission health improvement services from 1 April 2014 following consultation with key stakeholders.

(Reason for Decision – in order to provide a programme of commissioning and procurement that maximises health outcomes and ensures best value for the Authority.)

CAB29/06/13 Date and Time of Next Meetings

6.00pm on Monday 24 June 2013 (Extraordinary Meeting)

6.00pm on Monday 8 July 2013 (Ordinary Meeting)

Minutes published on Thursday 13 June 2013.

Decisions contained within these Minutes may be implemented (unless called in by 3 Non-Executive Members for consideration by the Overview and Scrutiny Committee) immediately following the expiry of the call-in period; ie 5.00pm on 20 June 2013.