

Cabinet

14 July 2014

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

In Attendance: M Almond (Voluntary and Community Sector)
C Botten (North Tyneside VODA)
R Layton (JTUC)
A Oghene (Young Mayor)
L Young Murphy (North Tyneside Clinical Commissioning Group)

CAB20/07/14 Apologies

Apologies were received from Councillors CA Burdis and L Spillard, A Caldwell (Age UK North Tyneside), Maurya Cushlow (North Tyneside Clinical Commissioning Group) and S Neill (Northumbria Police).

CAB21/07/14 Declarations of Interest

There were no declarations of interest or dispensations reported.

CAB22/07/14 Minutes

Resolved that the Minutes of the meeting held on 9 June 2014 be confirmed and signed by the Chair.

CAB23/07/14 Report of the Young Mayor

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

- 'The Event' at Segedunum on 5 July 2014, with over 200 young people attending. The winning band KEV had performed at the Mouth of the Tyne Festival on 13 July 2014.
- Some female youth councillors had taken part in a Healthy Relationships workshop. male youth councillors would be taking part in August.
- Attendance at the Chair of Council's volunteer awards evening, The Chairman's Commendation Panel agreed to create a special award The Young Mayor's Award, which was presented to Cameron Lawrence for his work raising awareness of the Mount Kilimanjaro First Aid Community Project.
- Attendance at the Passenger Transport Users Group meeting at Gateshead.
- Youth Councillors from all of the reference groups and young people from partner agencies had attended Social Action Training where ideas had been developed into projects which would benefit others in the community and at the same time receive funding towards their projects.
- Attendance at the Full Youth Council Meeting. Updates had included:
 - Environment Group - Groundwork Trust's and the Grow to Eat project;

- Health and Well-Being Group - launch of the 121 Centre Sexual Health Clinic DVD, verification of the Children's Outpatient Department at Rake Lane as being young person friendly through 'You're Welcome'; the mental health project looking at education, support, and stigma of young people with mental health problems and Mind Full training which was aimed at those interested in becoming a mentor for young people with low level mental health problems; Youth Councillor Morgan Lee had attended a Celebration of Young Mental Health conference with the NHS Mental Health consortium in London.
- Community Cohesion Group – aim of having a young champion in every school who would link with a sheltered housing scheme near their school and to use the Recycled Teenager project to build relationships between generations Borough wide; attendance at Social Action training to look into applying for funding for an intergenerational kit full of games and activities that young people could use with the older residents as well as producing a Recycled Teenager toolkit; intention to work with the Police on a 'curriculum' in schools about what topics to talk to with each year group; work with the Children's Council and their Parks United project.
- Youth Activities Group – evaluation of 'The Event' with the aim of making future concerts bigger and better; in relation to reduction in funding for youth provision, it had been reported that those young people needing extra support would be priority.

Due to bad weather, the Young Mayor's Summer Games had been cancelled. It was hoped that the Games could be rescheduled when the schools returned in September 2014.

The Young Mayor was thanked for his report and was commended on the work he was doing.

CAB24/07/14 Financial Management Report to 31 May 2014 (All Wards)

Cabinet considered a report detailing the budget monitoring position as at 31 May 2014, and included forecast outturn positions for 2014/15 for the General Fund, the Housing Revenue Account (HRA), the Capital Plan, including a summary of schemes delivered. It also included an update on Schools' finances.

As at 31 May 2014, the forecast year-end position reflected in-year pressures of £0.282m. Service Teams were working to embed plans that would ensure the pressures were managed and that the budget was brought in target at the end of the year.

The HRA was forecast to have year-end balances at 31 March 2015 of £3.027m, which was £0.379m higher than budget. The higher than forecast balances were mainly as a result of higher opening balances due to the impact of previous years' financial performance (£0.359m). The forecast in year surplus was an estimated £0.020m.

The report included an update in respect of work in progress with regard to 2014/15 school funding.

The Investment Plan for 2014-18, adjusted for reprogramming approved by Cabinet was £216.221m. Variations of £2.427m credit were proposed in the report.

The report also set out some of the achievements in terms of delivery of projects in the first eight months of the financial year, as well as summarising the level of spend on projects for the year.

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 May 2014, be noted; (2) the receipt of new revenue grants, set out in the report, be approved; (3) the level of spend on the Investment Plan as at 31 May 2014 be noted; and (4) the variations of £2.427m credit (£2.330m credit in 2014/15 and £0.097m credit in 2015/16) within the Investment 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.

CAB25/07/14 North Tyneside Surface Water and Drainage Partnership - Update (All Wards)

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

At its meeting on 8 January the Partnership had:

- received a presentation from Nexus of an overview of their work and responsibilities (including future works), problem stations in the North Tyneside system, their processes for reporting and responding to flood warnings and their work around prevention and mitigation. The Partnership welcomed the broad range of work underway and supported the need to continue to work in close partnership to address the ongoing risk of flooding across North Tyneside;
- noted the progress of the North Tyneside Flood Risk Management Strategy. It was a statutory requirement to have such a strategy and the partnership noted that the public consultation was available on the website from the beginning of January 2014. The strategy was still a work in progress and key points needed to be developed with North Tyneside Officers. The Partnership recognised that nationally there had been a lot of criticism of agencies over flooding and good communication was key to the strategy;
- noted the progress of the Flood Risk Implementation Plan which highlighted the major and minor projects that had been completed, or a work in progress and updated the group on plans for the next quarter. Plans for a Market Place event for residents were also noted;
- noted the update on the Flood Season Plan/Preparedness that highlighted the tidal surge incident in December 2013, and the success of the partnership response;
- considered the members' future approach to their own roles and responsibilities regarding legislation, funding and improving partnership working. The Partnership agreed a review of roles and responsibilities be coordinated;
- received a report giving an update of the Flooding Community Preparedness sub-group. This included a section on the flood warden scheme; a copy of the Flood Warden Handbook; and a discussion around the Flood Ready Flood Safe leaflet and the positive comments received. The sub group was now working towards the launch of the flood wardens by the end of June 2014 and rolling out more targeted training.

At its meeting on 9 April the Partnership had:

- received a presentation from Tyne and Wear Fire and Rescue noting the water capability of the service, a brief history of national resilience, relevant legislation, training, Personal Protection Equipment and equipment, and deployment;
- noted the progress of the North Tyneside Flood Risk Management Strategy. The strategy was open for consultation until May 2014, and available on the internet and through customer service centres. The strategy highlighted roles and responsibilities in terms of dealing with flood risk, as well as policies and priorities;

Cabinet

- noted the progress of the Flood Risk Implementation Plan, which highlighted the major and minor projects that had been completed, or were work in progress and updated the group on plans for the next quarter;
- noted the update on the Flood Season Plan/Preparedness, which reported that Cabinet had approved the production of the plan. Plans to carry out a desk top exercise to review how the Plan operated were also noted;
- received a report giving an update of the Flooding Community Preparedness sub-group, and discussed the communication route during a flooding event. The group also considered widening the scope of Flood Wardens to include business parks.

A copy of the draft minutes from each meeting were appended to the report.

It was noted that the next meeting of the Partnership would take place on 23 July 2014.

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

Resolved that the North Tyneside Surface Water and Drainage Partnership Quarterly Update be noted.

(Reason for decision – so that the work of the Partnership can progress.)

CAB26/07/14 North Tyneside Flood Risk Management Strategy (All Wards)

Cabinet considered a report which detailed the North Tyneside Local Flood Risk Management Strategy. The Strategy defined the Authority's role in flood risk management. It identified the areas most at risk from flooding and provided a methodology for prioritising work. It supported an ongoing programme of flood risk measures and provided a focus for working towards longer term objectives, including improved community engagement to increase public awareness of flooding issues.

North Tyneside had experienced extensive flooding in 2012 across the whole of the Borough with devastating consequences for residents and businesses. The 2012 floods, along with other historic events had demonstrated that North Tyneside was susceptible to flooding. Extreme weather events were expected to increase as the effects of climate change are realised.

In response to similar flooding issues throughout the country, the Government had introduced the Flood Risk Regulations in 2009 and the Flood and Water Management Act 2010. The Act introduced the concept of Lead Local Flood Authorities (LLFAs) where local authorities would take an active role in managing flood risk in partnership with other agencies. As a LLFA, North Tyneside Council had a number of duties under the Act, including the production of a Local Flood Risk Management Strategy.

The main objectives of the North Tyneside Flood Risk Management Strategy were to:

1. Introduce effective partnership working with key organisations and communities, including clear definition of roles and responsibilities.
2. Development of an effective emergency response plan to deal with flooding.
3. To target resources where they had the greatest effect, adopting a risk-based and sustainable approach to flood risk management.
4. To encourage and support communities and local landowners to take action and contribute to the reduction of flood risk.

Partnership working was the cornerstone of effective flood risk management and March 2013 had seen the formation of the North Tyneside Surface Water and Drainage Partnership, bringing together key stakeholders.

The Partnership was able to share knowledge, best practice and identify sources of funding in order to drive forward the various programmes of flood risk reduction work. The Strategy would provide the strategic framework to support the Partnership's ongoing activity. The Strategy would also clearly define roles and responsibilities, explaining who did what in each organisation.

The level of service that residents could expect from the Authority was also set out in the Strategy. This was important as, although the Authority now had a duty to investigate all flooding issues, it had discretion over how it subsequently acted and had to work within finite resources. A programme of drainage improvement works to support the Strategy had been developed using a prioritised approach with property inundation being given the highest priority for action.

A further feature of the Strategy, a new Operational Flood Action Plan, had been introduced in May 2013 through the Council's Technical Partnership.

Community engagement was a key objective in the Strategy and positive work was already being done in this area. The Authority was in the process of introducing community flood wardens to assist with the co-ordination of emergency response actions. There had also been a series of targeted community engagement events and Community Conversation meetings in areas affected by flooding. Regular newsletters and Council magazine articles had been produced. Proactive community engagement would continue as part of the Strategy.

In response to a suggestion that many people were under the impression that the Authority was responsible for all aspects of flood risk management, the Cabinet Member for Housing and Environment undertook to ensure the roles and responsibilities of the Authority and partner organisations were clearly defined in the strategy and on the Authority's website.

Cabinet considered the following decision options: either to agree the recommendations as set out in section 1.2 of the report, or alternatively to disagree with the proposals and request that the Head of Environment and Leisure undertake further work on the development of the Local Flood Risk Management Strategy.

Resolved that the North Tyneside Council Local Flood Risk Management Strategy be approved.

(Reason for decision – It will enable a Local Flood Risk Management Strategy to be put in place in accordance with the Authority's duty under the Flood Risk Management Act 2010.)

CAB27/07/14 Article 4 Direction – Grass Verge at Addington Drive, Battle Hill (Battle Hill Ward)

A report was submitted which requested consideration of whether to bring into effect an Article 4(1) Direction under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) which would remove certain permitted development rights for Electronic Communications Code Operators (ECCO) within a section of grass verge on Addington Drive, Wallsend. This followed a request from the Hadrian Park Residents Action Group who wished to restrict future equipment being erected at an existing mast site on Addington Drive.

A copy of the draft Order for Cabinet's consideration, had been circulated under separate cover. It was explained that minor amendments would be required to the draft Order to ensure consistency with current legislation terminology, with electronic communications code operator replacing telecommunications code system operator and electronic communications apparatus replacing telecommunications apparatus.

A prior approval notification under Part 24 of the Town and Country Planning (General Permitted Development Order) 1995 (GPDO) (ref. 11/00725/TELGDO) had been submitted for a 12.5 metre high telecommunications tower and 2 associated cabinets on a grass verge at Addington Drive, Wallsend by Telefonica UK and Vodafone on 30 March 2011.

The Council's Planning Committee had refused to grant prior approval. An appeal had been lodged against the decision and subsequently the Planning Inspector had allowed the appeal and had given approval for the proposed development on 14 December 2011. The report detailed both the Council's reasons for refusal and the issues raised by and conclusions of the Inspector.

The mast and associated equipment had been erected in May 2012.

Complaints had been received regarding the Authority's decision making process in relation to its handling of the original notification and appeal. These had been considered by the Authority's Corporate Complaints process and subsequently by the Local Government Ombudsman who had found no maladministration. Any challenge to the Inspector's appeal decision could not be considered by this Authority.

Residents had campaigned strongly for the removal of the mast since its erection. Council officers had sought to work with the operator and local residents to find a negotiated solution to address their concern, which had included a search for alternative locations for the mast. No acceptable alternative location had been identified.

The Authority, as Local Planning Authority (LPA), in accordance with the Electronic Communications Act (2005) (ECA) had received notification of additional works proposed at the site in 2013, details of which were given in the report. The notification was not a planning application and nor was it a notice pursuant to the GPDO and the advice given in response was not binding.

The Authority had advised the operator in June 2013 not to install additional equipment for reasons detailed in the report.

The operator considered that the upgrading works would benefit from current permitted development rights and Officers considered that this was the case as well. This meant that at the present time, the works could take place without the further involvement of the Authority as LPA. Works had not yet commenced on the site although notice had been served under street works legislation of an intended start.

It was in this context that in May 2014, the Hadrian Park Residents Action Group had written to the Authority's Chief Executive to request, among other matters, that the Authority made an Article 4 Direction to prevent the erection of the additional (and any future) equipment at the site. They had made this request in light of their concerns about the visual impact of additional equipment, noting the Authority's response to the ECA notification in June 2013, to ensure that future proposals were subject of a full planning application enabling full and open assessment. They sought this action urgently as there was an imminent threat of additional equipment being installed.

The report highlighted that an Article 4 Direction could not be applied retrospectively to development which had already taken place or had commenced.

The Group had also requested that the Authority pursued a Discontinuance Order (under Section 102 of the Town and Country Planning Act 1990) to secure the removal of the original mast and cabinet erected in 2012. This request would be considered by the Authority's Planning Committee.

The report set out the legislative provisions relating to the LPA's power to make a Direction. In making a Direction, the Authority had to be satisfied that it was expedient that development that would normally benefit from permitted development rights should not be carried out unless permission had been granted for it on an application. In reaching this conclusion, Cabinet would need to consider whether there was a compelling need for the making of a Direction taking into account advice in the National Planning Policy Framework (NPPF) and considering how, in the absence of an Article 4, works carried out with the benefit of permitted development might cause harm to local amenities.

Telecommunications equipment could give rise to harm in terms of visual impact and impact on highway safety had also been raised by local residents as a concern. It had been noted that residents also had strong concerns about the impact of the mast on their health. In light of advice in NPPF that LPAs must determine applications on planning grounds and "should not... Determine health safeguards if the proposal meets International Commission guidelines for public exposure", it would not be appropriate to base the justification for making a Direction on any health related grounds. This would be contrary to the weight of Government guidance and policy and would be likely to lead to the Secretary of State's intervention.

In terms of highway safety, a road safety assessment had been commissioned by the Authority in September 2013 in response to residents' concerns. This assessment had considered the impact of an additional cabinet at the site and concluded that the additional equipment would not radically change the existing situation in terms of the likelihood of driver distraction or the potential for personal injury to arise in the event of a vehicle strike and were not considered to present any problems in terms of road safety. On this basis there would be no basis on which to pursue a Direction on grounds of highway safety.

In terms of visual impact, the comments (detailed in the report) of the Inspector who had considered the original appeal should be noted.

Notwithstanding the Inspector's conclusions, the Authority as LPA had considered in June 2013 that additional equipment erected at this site would further detract from the visual amenity of nearby residents in a location where residents believed existing equipment already had a significant impact on their visual amenity. This concern had been reiterated in the correspondence from the Action Group who considered the basis for any Article 4 Direction should be made on visual impact grounds.

If an Article 4 Direction was ultimately made and confirmed, additional equipment would be subject of a full planning application and the Authority would be able to consider the visual impact of further structures. The Authority would need to consider if it was in the public interest to make the Direction on that basis.

The report detailed the process which would need to be followed for making an Article 4 Direction and also outlined the position in relation to the Authority's potential liability for compensation where developments were affected by an Article 4 Direction. More detailed advice on this matter would be provided before any Direction was to be confirmed by the Authority, following consultation.

Undertaking consultation on an Article 4 Direction would provide an opportunity to invite representations from the operator as well as local residents and it was anticipated this would provide the Authority with a better understanding of the extent of its potential liability so that any final decision to confirm a Direction or not could be made balancing the issue of the extent to which the expansion of the existing equipment might cause harm to local amenity or wellbeing against the wider public interest and the Authority's fiduciary duty.

Members were asked to consider whether their actions in this case could set a precedent for residents to make similar requests in other locations where telecommunications equipment was sited across the Borough.

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 Head of Environment and Leisure, in consultation with the Head of Law and Governance, be authorised to draft an Article 4(1) Direction and to carry out the required statutory consultation and notification to the Secretary of State, pursuant to Article 5 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended); and

(2) a further report be submitted to Cabinet, following appropriate consultation to consider whether a direction under Article 4(1) should be confirmed and referred to the Secretary of State.

(Reason for decision - Consultation on an Article 4(1) Direction will provide an opportunity to invite representations on such a Direction, including from the Secretary of State, which will enable the Authority to make a better informed decision in deciding whether, in the future, it wishes to confirm a Direction or not.)

CAB28/07/14 Property Surplus to Requirements (Killingworth, Riverside, Valley and Wallsend Wards)

Cabinet considered a report which requested approval to declare a number of Authority owned properties surplus to requirements and available for sale. Any capital receipts obtained from the sales would contribute towards funding the Authority's Investment Plan.

The proposed disposal of the properties had been considered by the Strategic Property Group and cleared for consideration by Cabinet.

A brief description of each of the properties was set out in the report and plans for each of the properties were appended to the report. The properties were:

1. Land at East Holywell Farm, Backworth.
2. Land South of Howdon Road, North Shields.
3. Land North of the Sita Waste Transfer Station, Wallsend Road, North Shields.
4. Land at John Arrol Field, Great Lime Road, Palmersville.
5. Land at Hadrian Road, Wallsend.
6. The Former Wallsend Baths and Former Vine Street Community Hall.

Cabinet considered the following decision options:

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

Option 2 – approve the sale of some of the properties detailed in the report.

Option 3 – not approve the recommendations detailed at paragraph 1.2 of this report.

Resolved that (1) the properties detailed in the report be declared surplus to the Authority's requirements and available for sale by an appropriate method of marketing; (2) the Head of Environment and Leisure, in consultation with the Elected Mayor, be authorised to make minor amendments to the boundary of each property detailed in the report if necessary, as permissible within the Authority's legal powers and/or as land owner;

(3) the Head of Environment and Leisure, in consultation with the Chief Executive (as Section 151 Officer), the Head of Law and Governance and the Elected Mayor, be authorised to accept the best bids where properties are marketed by sealed bids;

(4) the Head of Environment and Leisure, in consultation with Chief Executive (as Section 151 Officer), the Head of Law and Governance and the Elected Mayor, be authorised to agree a minimum sale price acceptable to the Authority in advance of an auction where it is considered that this is the most appropriate method of sale for a property;

(5) the Head of Environment and Leisure, in consultation with the Chief Executive (as Section 151 Officer), the Head of Law and Governance and the Elected Mayor, be authorised to agree the final terms of disposal if it is considered appropriate to sell a property by private treaty, subject to the sale price being considered best value;

(6) the Head of Environment and Leisure, in consultation with the Chief Executive (as Section 151 Officer), the Head of Law and Governance and the Elected Mayor, be authorised to instruct the Capita Property Team to complete negotiations for the sale of each property in accordance with all relevant legal requirements, the Authority's Constitution and Financial Regulations; and

(7) the Head of Environment and Leisure be authorised to deal with all ancillary matters arising that are consistent with the preceding resolutions.

(Reason for decision – the sale of the properties is considered to be the best way to achieve the level of capital receipts required to support the Authority's Capital Plan 2014/15, and to assist with the economic development of the Borough and the delivery of general and affordable housing.)

CAB29/07/14 Strategies for Arts, Tourism and Heritage Services (All Wards)

Cabinet considered a report which requested approval for the refresh of the Authority's strategies for Arts Development, Tourism and Heritage to cover the period from 2014-2021.

In order to support the development of cultural activity in the Borough in recent years, the Authority had adopted strategies for the promotion of its cultural offer in the fields of arts development *Great Art for Everyone....in North Tyneside* (2009-2012), tourism *Visit North Tyneside – A Tourism strategy* (2007-2012) and heritage *Reveal the Past, Shape the Future* (2010-2014). Each strategy was now due to be reviewed.

The strategies had been further developed to be consistent with the wider Council Plan, *Our North Tyneside*, and in line with the broad principles of the Authority's wider change programme. The strategies outlined policy direction while being sensitive to the need to respond to proposals for service re-design. The shift in emphasis upon the Authority's role, moving from that of a service provider to one of a service enabler, informed the approach across these strategies.

All three documents had been important in shaping the delivery of cultural provision in the Borough over the past seven years and had been critical in underlining the Authority's credibility in the cultural sector when bidding for external funding. In bringing the three strategies into line, to cover the next seven years, the strategic position of the Authority would be evident to partners over a significant period. The intention of the Authority to support and nurture cultural provision would be clear.

Details of each of the revised strategies were given in the report. A copy of each proposed strategy was appended to the report. These were:

Our North Tyneside – Great Art for Everyone (2014-21)

Visit North Tyneside – Tourism Strategy (2014-21)

Our North Tyneside: Past, Present and Future – A Heritage Strategy for North Tyneside (2014-21)

In response to a query on the STEAM Assessment (Scarborough Tourism Economic Assessment Monitor information), the Cabinet Member for Leisure, Culture and Tourism undertook to provide information on hotel occupancy levels at the coast.

In addition, the Elected Mayor indicated that the hotel offer at the coast would be considered as part of the coastal regeneration plans.

The Elected Mayor referred to the very positive feedback she had received about the Mouth of the Tyne Festival held over the weekend and she thanked everyone involved.

Cabinet considered the following decision options: either to agree the recommendations as set out in section 1.2 of the report, or alternatively to disagree with the proposals and request that the Head of Environment and Leisure further develop the strategies for submission to a future Cabinet meeting.

Resolved that (1) the Arts Development, Tourism and Heritage strategies, be approved; (2) the Head of Environment and Leisure in consultation with Cabinet Member for Leisure, Culture and Tourism, be authorised to develop appropriate implementation plans to deliver the strategic objectives; and (3) Cabinet receive an annual progress report in relation to achieving the objectives outlined in the strategies.

(Reason for decision – All three strategies will be critical in underlining the Authority's credibility in the cultural sector when bidding for external funding. In bringing them into line, to cover the next seven year period, the strategic position of the Council will be evident to partners over a significant period.)

CAB30/07/14 Emotional, Social, Behavioural Difficulties Provision Key Stage 1 and Key Stage 2 (Previous Minute CAB200/03/14) (All Wards)

Cabinet considered a report which detailed the outcomes of the formal statutory consultation with all interested parties on the proposed decommissioning of the existing Emotional, Social, Behavioural Difficulties (ESBD) additional resourced provisions linked to the wider review and opening/expansion of the Key Stage 1 and Key Stage 2 ESBD offer across the school estate.

At its meeting on 10 March 2014 Cabinet had agreed a new model of delivery, which would be implemented from September 2014. The new model would be directly commissioned through Silverdale School who would provide a Borough wide Primary Behaviour Additional Resourced Provision and outreach service for all First and Primary Schools.

The following key principles had been agreed with Head Teachers:

- All children (particularly the most vulnerable) have the right to a good quality of education within their own community in order for them to achieve their potential.
- Any programme of support for pupils with ESBD should be:
 - rooted in a shared belief and accountability system;
 - clear and transparent;
 - provide value for money;
 - reduce the incidents of 'crisis';
 - be supported and delivered by high quality professionals;
 - have a clear pathway for every child.
- Children are family members and their context is extremely significant.
- Early intervention is the most effective method of addressing challenges.

Linked to the key principles, the Authority aimed to work collaboratively with schools to further develop a partnership approach that would:

- Deliver a strong education system to meet the needs of all pupils;
- Understand the needs of children with Special Education Needs (SEN);
- Ensure the join up of key agencies in the planning, delivering and integrating of services to avoid duplication; and
- To ensure early identification and assessment of pupils' needs.

As agreed with the Schools Forum, the new model would run initially as a Pilot until 31 March 2016. Subject to a successful pilot period, the delivery arrangements would then be confirmed in a formal commission to Silverdale School. The new provision would operate in surplus accommodation at the Grasmere Academy in Killingworth.

To support the delivery of the new arrangements from September 2014, the Authority had been required to formally enter into a period of statutory consultation linked to the decommissioning of the existing ESD Additional Resourced Provisions currently established within three mainstream schools across the school estate. Details of the consultation process were set out in the report.

As a result of the statutory consultation process, no responses had been received either supporting or objecting to the proposals.

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 opening of the new Key Stage One provision at Grasmere Academy and the consequent closure of the existing ESD Additional Resourced Provisions currently established within mainstream schools arrangements outlined within the report, in respect of the review of the Key Stage 1 and Key Stage 2 ESD provision with effect from September 2014, be approved; and (2) the Head of Children, Young People and Learning, in consultation with the Head of Law and Governance, be authorised to formally implement the arrangements associated with the decision.

(Reason for decision – it allows the Authority to progress with the establishment of the new delivery arrangements from September 2014 and support Key Stage 1 and Key Stage 2 ESD provision across the school estate that is fully supported by all headteachers.)

CAB31/07/14 Tenders for the Supply of Groceries, Frozen Food and Meat (All Wards)

Cabinet received a report which requested approval to carry out a tendering exercise for the supply of groceries, frozen food, and fresh meat.

The Authority currently had a number of separate contracts in place for the provision of groceries, frozen food, and fresh meat. These goods were predominantly used by Catering Services in the provision of school lunches and community meals.

All of the current contracts for these goods would expire on 30 September 2014. Following discussions within Catering Services and advice and support from Procurement Services a procurement exercise needed to be undertaken to secure new contracts for the supply of these goods.

A procurement exercise to comply with European Legislation was recommended to establish that the Authority secured service delivery and maximised opportunities from the market.

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 Commissioning and Fair Access be authorised to carry out a procurement exercise for the provision of groceries, frozen food and fresh meat.

(Reason for decision – It will ensure the Authority is ready to award new contracts to start upon expiry of the existing contracts. This will ensure continuity of service provision and increase opportunities to secure better value from the market.)

CAB32/07/14 Relocation and Expansion of Backworth Park Primary School (previous Minute CAB222/04/14) (Valley and Killingworth Wards)

Cabinet considered a report which detailed the outcomes of the formal statutory consultation process in relation to the relocation and expansion of Backworth Park Primary School.

Following Cabinet's approval at its meeting on 7 April 2014 to proceed to formal statutory consultation in relation to the relocation and expansion of Backworth Park Primary School, the Authority had entered a period of consultation, as detailed in the report.

The statutory notice was attached at Appendix A and the full proposals at Appendix B of the report.

The report gave details of the three formal submissions to the consultation received from the Diocese of Hexham and Newcastle, Shiremoor Primary School and Backworth Park Primary School, together with related responses provided by Head of Commissioning and Fair Access.

In response to a comment made at the meeting, the Cabinet Member for Children, Young People and Learning undertook to look at provision of wraparound services at primary schools in the Borough.

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 outcome of the statutory consultation exercise undertaken with interested parties in the locality of Backworth Park Primary School be noted;
(2) the proposal to relocate and expand Backworth Park Primary School to a new location within the development to be known as Backworth Park (West Shiremoor), be approved; and
(3) authority be delegated to the Head of Environment and Leisure, in consultation with the Elected Mayor, Chief Executive (as Section 151 Officer) and Head of Law and Governance, to negotiate and agree the form of lease and other arrangements for the new site and property.

(Reason for decision – it will allow the Authority to plan to address the likely capacity issues within the vicinity of Backworth Park Primary School as a consequence of the establishment of new housing developments. The proposal allows for the relocation away from the existing site, which is confined and lacking in external play and has no playing field provision. The new site will provide sufficient space to allow the school to expand into the future, should demand increase.)

CAB33/07/14 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 3 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

CAB34/07/14 Restructuring of the Senior Leadership Team (All Wards)

Cabinet considered a report which detailed proposals to restructure the Authority's Senior Leadership Team to ensure it was fit for purpose going forward and aligned to the Creating a Brighter Future Change Programme. The proposals had been subject to a 30 day consultation period which had ended on 4 July 2014. A supplemental report had been circulated following the end of the consultation period, which detailed comments received on the proposals and subsequent responses of the Chief Executive.

Cabinet considered the following decision options:

- Option 1 – (a) note the proposals, the responses received from the affected employees/trade union representatives and the comments on the responses in relation to the restructuring of the Senior Leadership Team;
- (b) approve the restructure of the Senior Leadership Team as set out in proposals document at Appendix 1 to the report; and
- (c) authorise the Chief Executive, in consultation with the Elected Mayor and Deputy Mayor and the Head of Law and Governance, to implement the restructuring of the Senior Leadership Team in accordance with b) above.
- Option 2 – (a) note the proposals, responses received from the affected employees/trade union representatives and the comments of the Chief Executive in relation to the restructuring of the Senior Leadership Team; and
- (b) not approve the restructure of the Senior Leadership Team and request that the Chief Executive considers further proposals for the Senior Leadership Team. Any further proposals would be subject to a further consultation exercise with the affected employees and the trade union representatives.

- Resolved** that (1) the proposals, responses received from the affected employees/trade union representatives and the comments of the Chief Executive in relation to the restructuring of the Senior Leadership Team be noted;
- (2) the restructure of the Senior Leadership Team, as detailed in Appendix 1 of the report, be approved; and
- (3) the Chief Executive, in consultation with the Elected Mayor, Deputy Mayor and the Head of Law and Governance, be authorised to implement the restructuring of the Senior Leadership Team in accordance with resolution (2) above.

(Reason for decision – to allow the structure of the Authority's Senior Management Team to be fit for purpose going forward by aligning to the Creating a Brighter Future Change Programme.)

CAB35/07/14 Date and Time of Next Meeting

6.00pm on Monday 11 August 2014.

Minutes published on Thursday 17 July 2014.

The 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; i.e. 5.00pm on 24 July 2014.