

Cabinet

8 December 2014

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

In Attendance: D Bavaird (Business Sector)
R Clow (North Tyneside Clinical Commissioning Group)
R Layton (North Tyneside JTUC)
A Oghene (Young Mayor)

CAB101/12/14 Apologies

Apologies were received from Councillors CA Burdis and JJ Stirling and A Caldwell (Age UK North Tyneside), M Cushlow (North Tyneside Clinical Commissioning Group), L Goodwin (North Tyneside VODA) and S Neill (Northumbria Police)

CAB102/12/14 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

CAB103/12/14 Minutes

Resolved that the Minutes of the meeting held on 10 November 2014 and the Extraordinary meeting held on 24 November 2014, be confirmed and signed by the Chair.

CAB104/12/14 Report of the Young Mayor

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

- Extraordinary Youth Council meeting when it had been agreed that mental health education campaign should be progressed.
- The UK Youth Parliament Make Your Mark debate at the House of Commons. North Tyneside's Member of the Youth Parliament Rebecca Moore had addressed the event. Again the most popular campaign was mental health education.
- Attendance by some North Tyneside Youth Councillors at an intergenerational event held in House of Lords where the idea of digital voting had been debated. The use of technology to gather expert opinion had been greatly supported, but not to use it as a mechanism to vote.
- British Youth Council Regional Convention at Tyne Metropolitan College. Those young people who had championed the 'Make Your Mark' initiative had been commended at the event.
- A consultation event on Sexual Health Services at the Langdale Centre had been attended by youth councillors from the Health and Well Being Group.
- Some youth councillors had helped with role play training for trainee school nurses at Northumbria University. Others had been involved with the Your Welcome Verification.
- O2 Think Big Funders meeting in London had been attended by the Deputy Young Mayor and Youth Councillors.

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- Attendance at the Greener North Tyneside Board meeting by the Lead Young Cabinet Member for Environment, Darryl Hall.
- Visit to the Helping Hands Group at the Phoenix Detached Youth Project when issues around bullying had been discussed.
- Show Racism the Red Card event at Quadrant.
- Attendance at the National Conference in London when the Young Mayor had given a presentation on public transport to the National Conference in London.
- The Young Mayor's games had taken place at the Powerleague Soccerdome on 5 December 2014.

The Young Mayor informed the meeting that the nomination stage had opened for the next Young Mayor elections. Information could be downloaded from the Authority's website. The closing date was 8 January 2015 with the online voting taking place in mid-January 2015 and the paper voting for the top four candidates taking place in February 2015. The newly elected Young Mayor would take up their position on 16 February 2015

The Young Mayor was thanked for his report and was commended on the work he and his Young Cabinet were doing. He was congratulated on his achievements made during his term of office. Rebecca Moore was also commended, with specific reference being made to her address at the Youth Parliament Make Your Mark debate.

CAB105/12/14 Director of Public Health Annual Report (All Wards)

Cabinet considered the Director of Public Health's Annual Report for 2013-14.

The Public Health Annual Report was the Director of Public Health's independent, expert assessment of the health of the local population, based on evidence. Whilst the views and contributions of local partners had been taken into account, the assessment and recommendations made in the report were those held by the Director of Public Health and did not necessarily reflect the position of the employing and partner organisations.

The annual report was an important vehicle by which the Director of Public Health could identify key issues, flag problems, report progress and, thereby, serve their local populations. It acted as a key resource to inform local, inter-agency action. The annual report remained a key means by which the Director of Public Health was accountable to the Borough's residents.

The Annual Report for 2013-14 focused on the early years of life and the health experiences and outcomes for babies, young children and their families.

The report considered the variation in health status and outcome that existed across the Borough's local communities. Such harm, variation and inequity could start before birth and continue through life. Evidence proved that influencing the development of children to maximise their health, social and educational development was most effective when done as early as possible. There was also a strong economic case, as return on investment in the early years was higher than at any other stage of the life course.

Major reports continued to highlight the importance of a system approach to early intervention and prevention, targeted support for vulnerable families and also the responsibilities of policy makers, organisations, communities and individuals.

The current financial challenges also highlighted the importance of using available resources wisely. Whilst there was a risk that focus would be given to short term and quick wins when it came to efficiencies, the opportunity to improve health outcomes as an investment in the future could not be ignored.

In seeking to achieve sustainable improvements in health and well-being, it was absolutely essential that investment was made in time, energy and resources in the early years of life. This challenge would not be easy and would require partnership working focused on the determinants of health.

The report concluded that there were a number of areas where North Tyneside performed worse than the England average. It demonstrated that the variations between North Tyneside and England could all be linked back to factors associated with poverty and deprivation. Conclusions highlighted in the report were:

- North Tyneside residents had access to high quality maternity care including accessible antenatal and postnatal provision. The low infant mortality rate in the Borough was largely due to the quality of care women received. Children in North Tyneside generally had a good start in life. However, there were pockets of health inequalities, and some risks and harms were more hidden such as parental substance misuse, domestic violence or mental health problems.
- The early years period was critical in a child's development, and had an impact well into adult life. Investment needed to be increased and maintained in relation to evidence based preventative interventions to improve outcomes for families and reduce demand on high cost services.
- Services for young children and their parents were often not sufficiently connected around the family as a whole. A family-focused approach was particularly important in effectively tackling lifestyle issues such as obesity, and in addressing risks that might be hidden such as parental drug misuse, domestic violence or mental health problems.
- The need for integrated care co-ordinated around and tailored to the needs of the child or young person and their family was clear and fundamental to improving their health outcomes.
- Affordable and appropriate housing was essential for young children to enable them to grow up in a safe, stable environment
- Accident and Emergency attendances and hospital admissions were high in the 0-4 year age group. More innovative and pro-active approaches were required to reduce these where they were avoidable.

The recommendations in the Annual Report were relevant to a range of agencies and partners but had specific implications for the associated duties to improve health and reduce health inequalities which fell within the statutory responsibilities of the Authority. The recommendations were in relation to:

- Pregnancy and Maternal Health
- Early Years Education and Childcare
- Advice and Information
- Service Integration
- Safeguarding
- Health Improvement
- Funding
- Social and Emotional wellbeing
- Children with Disabilities
- Vulnerable or isolated families
- Housing
- Reducing Hospital Attendances and Admissions

There were no decision options to consider as the report was submitted for Cabinet's information.

Resolved that the Annual Report of the Director of Public Health 2013/14, including its recommendations and implications for the Authority in relation to improving health and well-being, be noted.

CAB106/12/14 North Tyneside Surface Water and Drainage Partnership Quarterly Update (Previous Minute CAB72/10/14) (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 15 October 2014, the Partnership had:

- noted the formal adoption of North Tyneside Flood Risk Management Strategy;
- noted the progress of the Flood Risk Implementation Plan which had highlighted the major and minor projects that had been completed, or were work in progress;
- received a report giving an update of the Flooding Community Preparedness Sub – Group including details of the first cohort of flood wardens, now active in their roles; and
- received a presentation on the Killingworth and Longbenton Sustainable Sewerage Project; a joint project between Northumbrian Water, North Tyneside Council and the Environment Agency

A copy of the draft Minutes from the meeting was appended to the report.

The Elected Mayor thanked the Cabinet Member for Housing and Environment and officers for the progress made in the various schemes to address flooding in the Borough.

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 – to enable the work of the Partnership to progress.)

CAB107/12/14 Council Tax Discounts 2015-2016 (All Wards)

Cabinet considered a report which detailed the outcome of the consultation exercise undertaken on the proposals to change two Council Tax discounts for empty homes during the financial year 2015-2016; and requested that once approved, the proposals for those changes be submitted to Council for consideration at its meeting on 22 January 2015.

At its meeting 24 January 2013, Council had agreed the following proposals of Cabinet in relation to Council Tax discounts (Minute C117/01/13 refers), which had been implemented from 1 April 2013:

- a) Former Class A Exemption (unoccupied and unfurnished properties which are in need of or undergoing major repairs or structural alteration). The decision was taken to replace the previous 100% exemption with a 100% discount resulting in no impact on Council Tax payers and no additional debit created to collect.

- b) Former Class C Exemption (An unoccupied and unfurnished property.) The decision was taken to replace the 100% exemption for 6 months with a 100% discount for 2 months.
- c) Empty Homes 50% Longer Term Empty Discount (This applied after the maximum 6 month empty exemption ceased). The decision was made to remove this discount entirely.
- d) Second Home Discount (this is where a second furnished property may be owned but not occupied). The decision was made to reduce the level of discount awarded from 10% to nil.

These changes had resulted in the Council Tax debit increasing by £1.2m. If Council had chosen at that time to remove all discounts as it had the option to do, the total additional debit generated would have been £2.3m.

For the financial year 2013-14 £320,000 had been awarded for former Class A exempt properties, and £804,000 awarded for former Class C exempt properties.

The collection rate remained strong and had fallen by only 0.4% from 96.9% to 96.5% in year 2013-14. This included the collection of additional debit due to the Council Tax Support scheme and the general effects of a difficult economic climate including the impacts of welfare reform.

The report considered by Cabinet on 13 October 2014 set out the various options available to Cabinet with regard to making further changes to former Class A and Class C discounts for 2015-16 (Minute CAB70/10/14 refers).

It had been suggested that it was appropriate to still offer some support for those meeting the criteria of former Class A and former Class C properties but at a reduced level for both.

Cabinet had determined that the following proposed changes should be consulted on:

- a) For those meeting the criteria for former Class A properties - reduce the current level of 100% discount for 1 year to 50% discount for 1 year. This would generate an additional Council Tax debit of £160,000. Based on figures for this type of discount awarded during the financial year 2013/2014, 990 Council Tax accounts would be affected by this change.
- b) For those meeting the criteria of former Class C properties - reduce the current 100% level of discount for 2 months to 50% discount for 2 months. This would generate an additional Council Tax debit of £402,000. Based on figures for this type of discount awarded during the financial year 2013/2014, 5,400 Council Tax accounts would be affected by this change.

86 people had submitted a consultation response to changing the former Class A discount to 50% for a maximum period of 12 months:

- a) 59% of responses (51 people), were in favour of reducing the level of discount to 50%
- b) 41% of responses (35 people) were in favour of maintaining the level of discount at 100%

87 people had submitted a consultation response to changing the former class C discount to 50% for a maximum period of 2 months:

- a) 60% of responses (52 people), were in favour of reducing the level of discount to 50%
- b) 40% of responses (35 people), were in favour of maintaining the level of discount at 100%.

Cabinet considered the following decision options:

Option 1 - To propose the changes to empty property discounts, set out at paragraph 1.5.8 of the report, to full Council at its meeting on 22 January 2015 as the discount changes to be implemented for the financial year 2015/2016.

Option 2 - To reject the suggested empty property discounts set out at paragraph 1.5.8 and refer the matter back to Officers for further consideration of alternative suggestions.

Resolved that (1) the responses to the consultation exercise set out at paragraph 1.5.9 of the report be noted; and

(2) Option 1, as detailed in the report, be approved as the discount changes to be proposed to Council at its meeting on 22 January 2015, for consideration and adoption as the discounts to be effective from 1 April 2015.

(Reason for decision – The majority of respondents to the consultation exercise are in favour of reducing the discount level from 100% to 50% for both categories of discount. It still provides support for 2 months for those meeting the criteria for Class C which is the same period of time currently provided, although the support is reduced to 50% and also still provides support for 12 months for those meeting the criteria for Class A which is the same period of time as is currently provided, although the support is reduced to 50%; It will generate over £560,000 of additional Council Tax debit based on the current Council Tax Rate, whilst still providing a medium level of support; and will encourage residents to still inform the Authority when they vacate a property and it becomes empty. If the discount was removed altogether residents may not inform the Authority of a vacation and continue to claim a single person discount.)

CAB108/12/14 Council Tax Support Scheme (All Wards)

Cabinet considered a report which detailed the outcome of the consultation exercise undertaken on the proposals for the 2015/16 Council Tax Support Scheme and requested that once approved, the proposals be submitted to Council for consideration at its meeting on 22 January 2015.

As part of considering whether to revise the scheme, Cabinet on 13 October 2014 had agreed that a consultation exercise be carried out on the proposal to keep the same level of support available for working age claimants for 2015/16 as was currently available (Minute CAB69/10/14 refers). The consultation exercise had started on 14 October 2014 and ended on 9 November 2014.

98 people had submitted a consultation response. Of those:

- a) 71 people were in favour of keeping the current level of 93% of Council Tax liability available for support for working age claimants;
- b) 17 people were in favour of reducing the level of support for working age claimants; and
- c) 10 people were in favour of increasing the level of support for working age claimants.

The greatest number of respondents were in favour of keeping support for working age claimants based on 93% of Council Tax liability.

The number of claimants needing help towards their Council Tax bill was reducing and this had been a steady trend over a number of years. This trend was also being seen regionally.

In April the Authority had estimated the annual cost of the scheme for 2014/15 to be around £16.5m which was the cost of the scheme in 2013/14.

However the reduction in the number of claimants and the reductions in entitlement had meant the forecast scheme cost for 2014/15 was around £15.9m. Deducting the costs applicable to the Fire and Police Authorities, the cost of the scheme to North Tyneside Council was £14.193m.

The majority of claimants lived in Band A properties and the weekly maximum 93% of liability was £17.69 for a couple or £13.26 for a single person. This left £1.33 to pay each week for a couple or £1.00 to pay each week for a single person, based on the current Council Tax rate.

If further reductions in support were passed on to claimants it would mean for each 1% of Council Tax that was not eligible for support the claimant would pay an additional 19p per week for a couple or 14p per week for a single person based on the current Council Tax rate.

Based on the current working age caseload, for every 1% reduced from support it would generate an approximate additional £100,000 of income annually which would also need to be collected. However this did not take into consideration any transitional provisional protection that would need to be factored in if reductions in support were adopted.

There had been minimal reaction to the scheme both in year 1 and year 2 and there had been no appeals to the Valuation Tribunal.

Both year 1 and year 2 in-year collection rates of Council Tax had been strong with collection for year 1 only falling by 0.4% from 96.9% to 96.5% in 2013/2014, but this also included collection of an additional £1.3m debit for empty property discount changes. General effects of a difficult economic climate and impacts of welfare reform which many on Council Tax Support had also been impacted by, were likely to have contributed to the reduction in collection.

In year 1 and year 2 the Authority had taken a more supportive approach to recovery for those who had only 7% of their Council Tax to pay, with a gentle reminder and offers of support before starting the statutory recovery process. The summons action allowed the Authority to obtain a Liability Order from the Court that permitted reductions directly from an individual's State Benefits towards the payment of the outstanding Council Tax debt. This was currently set at just under £4.00 per week and would see Council Tax liability cleared in the current financial. Additionally costs were kept to an absolute minimum of £10.00 instead of the normal £80.00

Cabinet considered the following decision options:

Option 1 - Continue with the current scheme which allows Council Tax Support for working age claimants to be calculated on 93% of Council Tax liability, and continue to take the same supportive approach with regard to reduced recovery costs as was taken in 2013/14 and 2014/15; Cabinet to propose this option as a recommendation to full Council at its meeting on 22 January 2015 as the scheme to be adopted for the financial year 2015/2016.

Option 2 - reject Option 1 and refer the matter back to officers for the further consideration of an alternative Scheme.

Resolved that (1) the responses to the consultation exercise, detailed in paragraph 1.5.6 of the report, be noted; and

(2) Option 1, as detailed in paragraph 1.6.4 of the report, be agreed as the Scheme to be referred to Council for its consideration and adoption at its meeting on 22 January 2015 and it be recommended to Council that the Scheme becomes the Local Council Tax Support Scheme for North Tyneside with effect from 1 April 2015.

(Reason for decision – 71 out of 98 people who took part in the consultation favour keeping the current maximum level of support for working age claimants of 93%. The current scheme is one which Council Tax Support claimants and partner organisations are familiar with, and which there have been no Tribunal appeals against. It continues with the current maximum Council Tax Support available of 93% for working age claimants with only 7% not eligible for support. The recovery rate of the current scheme is encouraging, showing that the majority of Council Tax Support claimants now having to pay an increased contribution are able to meet their obligations. Recovery by attachment of benefits within the financial year is still obtainable with Option 1 as the amount to be recovered being within the attachment of income limit. The potential impact on the Collection Fund is kept to a minimum by keeping the percentage of Council Tax not available for support to a minimum. By keeping the current scheme there is no need to consider Transitional Protection as there are no changes to the scheme that would make a claimant worse off in 2015/16 than in 2014/15.)

CAB109/12/14 Response to Local Plan Sub-Group Review of Scaffold Hill Planning Application and Appeal (All Wards)

Cabinet considered a report which set out suggested responses to the recommendations of the Local Plan Sub-Group Review of the Scaffold Hill Planning Application. The review had followed the agreement of a Motion by Council at its meeting on 14 March 2013 (Minute CAB C165/03/13 (i) refers).

The review had resulted in five recommendations being made. Whether and how the recommendations could be implemented was detailed in the report as follows:

Recommendation 1 – the relevant Cabinet Member monitors the impact of the revised systems that have been put in place in relation to traffic modelling to ensure they are effective in preventing future errors occurring.

Response – A new process has been developed and implemented that reduces the risk of a similar error occurring when examining future major planning applications. This includes:

- A process map to ensure that all information and data can be independently checked and validated at various stages throughout the modelling process; and
- A requirement for sign-off from a senior technical officer at each key stage.

It is proposed that the Cabinet Member for Housing and Environment will review the next six major planning applications to check that the new system works. After this there will be a review by the Cabinet Member as to whether an annual monitoring report should be provided.

Recommendation 2 – Officers, in consultation with the Chair of the Planning Committee, consider whether the transport model could be introduced as a visual aid at Planning Committee where it would assist Members of the Committee in understanding the traffic impacts of proposed large developments and aid the understanding of the possible cumulative impact any such developments would have on local amenities such as accessing education and health facilities in the Borough.

Response – Since the Sub Group review, the transport model has already been successfully used as a visual aid to assist Planning Committee to understand the traffic impacts of another major housing development proposal relating to land at Station Road East, Wallsend.

Its further use will be agreed on a site by site basis in consultation with the Chair of Planning Committee, the Planning Manager and the Team Leader New Developments.

Recommendation 3 – the relevant Cabinet Member explore with officers whether the transport model could be made available to developers on a fee basis as part of the planning application process.

Response – This opportunity is already being explored. It is not possible to require developers to use the Authority's transport model, but in preparing evidence for the appeal against the refusal of permission to develop land at Station Road East, agreement that the Authority's transport model would be utilised by both parties formed part of the Statement of Common Ground. This narrowed down areas of disagreement in the appeal process and helped to speed up the consideration process and reduce potential costs for all parties. Making the model available will be agreed on a site by site basis with the Team Leader New Developments and the applicant (or appellants).

A draft scale of fees is currently being developed which will be agreed with the Cabinet Member for Housing and Environment prior to 31 March 2015. These fees will include an element to offset the costs of maintaining the transport model.

Recommendation 4 – Cabinet review the Authority's consultation policy, particularly in relation to planning matters, and ensure that processes are transparent and that wider consultation is undertaken to include children and young people in addition to residents to have real input into the process and to observe that their contributions are being respected.

Response – It is proposed that a report will be provided for the Cabinet Member for Housing and Environment in the next six months to advise whether a further review of the Statement of Community Involvement (SCI) is required. This will follow the next stage of community engagement on the Local Plan planned for February to March 2015.

The review will feed back on any new opportunities identified to engage more successfully with local schools on planning matters.

Recommendation 5 – The above recommendations are implemented within the next 6 months.

Response – The actions described above will be implemented within the next six months.

Cabinet considered the following decision options:

Option 1 – agree the recommendations set out in section 1.2 of the report and advise the Overview, Scrutiny and Policy Development Committee that the actions proposed will be implemented within the next six months.

Option 2 – not agree the recommendations set out in section 1.2 of the report and advise the Overview, Scrutiny and Policy Development Committee that no or different actions are proposed as a result.

Resolved that (1) the responses to the recommendations of the Local Plan Sub Group, as set out in paragraph 1.5.2 of the report, be agreed and that they be implemented within the next 6 months; and

(2) the responses be referred to the Overview, Scrutiny and Policy Development Committee.

(Reason for decision – the responses to the recommendations identify a range of simple measures that can be used in a manner proportionate to the proposals and projects being considered. These represent a cost effective means to provide the desired safeguards and improve both Members' understanding of the impacts of major new development and ensure that community engagement on planning matters reflects current legislation and offers the most effective opportunities for communities to become involved.)

CAB110/12/14 Article 4 Direction – Grass Verge at Addington Drive, Hadrian Park (Battle Hill Ward)

Cabinet considered a report which requested consideration as to whether or not to confirm an Article 4 Direction, having regard to the representations received and Government guidance.

At its meeting on 14 July 2014, Cabinet had agreed to propose an Article 4(1) direction to remove certain permitted development rights for electronic communications code operators (ECCO) within a section of grass verge on Addington Drive, Wallsend (Minute CAB27/07/14 refers). Detailed information was set out in the report considered by Cabinet at its meeting in July 2014 and this was attached as Appendix A to the report. Following this the Direction had been published and subject to a 21 day statutory consultation process, which had ended in September 2014.

Since the previous report to Cabinet some works had been carried out at the mast site to replace the existing antenna behind the shroud and to upgrade the existing cabinet. No additional cabinets had been erected. The operators had advised that they still required a further cabinet and works to the existing mast to facilitate 4G services from the site.

Under the provisions of the General Permitted Development Order (GPDO), some small works (such as erecting a cabinet less than 2.5 cubic metre) could be carried out with the benefit of permitted development without involvement of the Local Planning Authority (LPA). Other works e.g. erection of free standing masts up to 15m, required the prior approval of the LPA but consideration for approval was more limited than when considering a full planning application, as the LPA could only consider the siting and appearance of the equipment proposed.

LPAs had the power to make an Article 4 Direction to withdraw certain permitted development rights. The legal requirement for making a Direction was that the LPA 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.

The purpose of an Article 4 Direction would be to require an operator to submit a full planning application for equipment within the identified part of the grass verge in order to protect the local amenity of the area. Once confirmed, any Direction had to be notified to the Secretary of State for Communities and Local Government, who had the power to modify or cancel it at any time.

Advice in the National Planning Policy Framework (NPPF) stated that: ‘advanced high quality communications infrastructure is essential for sustainable economic growth’. It also stated that: “local planning authorities should not impose a ban on new telecommunications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of telecommunications development’.

The NPPF also specifically advised that the use of Article 4 directions: “to remove national permitted development rights should be limited to situations where it is necessary to protect local amenity or the wellbeing of the area”.

Further guidance was provided in the National Planning Practice Guidance (NPPG). which stated that: “The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified”.

Consultation on the proposed Article 4 Direction had been carried out in accordance with the GPDO. The Direction had been available on the Authority's website which allowed representations to be posted. A public notice had appeared in the local press and notices had been displayed at either end of the proposed site on Addington Drive. Letters had been sent to 118 properties in the immediate vicinity and operators occupying the site (including the mast operators) had been invited to comment.

The results of the consultation, including representations received were detailed in the report.

In accordance with the legislative requirements the Secretary of State had been notified that the Direction had been made and provided with an opportunity to comment at that stage. He advised that he had no comments at this stage.

Undertaking consultation on the Article 4 Direction had provided the Authority with the opportunity to review representations from the operator as well as local residents.

In deciding whether to confirm the Direction, Cabinet would have to be satisfied that it was expedient that development which would normally benefit from permitted development rights should not be carried out unless permission was granted for it on an application. In reaching a decision Cabinet would also need to consider whether there was a compelling need for the confirmation of the Direction, taking into account representations received from the consultation, advice in the NPPF and NPPG and consider how, in the absence of an Article 4 Direction, works carried out with the benefit of permitted development might cause harm to local amenities. It would also need to take into account the potential financial impacts of any decision and balance this against the wider public interest.

The report outlined the circumstances where the Authority would be liable to compensate developers or landowners whose developments were affected by an Article 4(1) Direction.

A separate exempt report gave details of Counsel's opinion regarding the appropriateness of confirming the Article 4 Direction in the context of the relevant policies, legislation and relevant case law (See Minute CAB112/12/14).

Taking all of the available information into account the Cabinet Member for Housing and Environment stressed the importance of considering this as an individual case, on its own merits whilst also taking into account the views of local people/residents which were that any further development on the site would have a significant detrimental impact on the visual amenity.

Cabinet considered the following decision options:

Option 1 – confirm a non-immediate Article 4(1) Direction to restrict Permitted Development rights pertaining to ECCOs within the area of land identified on the map attached as Appendix A of the report. This option would bring the Article 4(1) direction into effect immediately.

Option 2 – decline to confirm the Article 4(1) Direction on the grounds that it would not be expedient to confirm it in the absence of being able to satisfactorily demonstrate the potential harm which would be addressed by confirming the Direction and imposing a restriction on small scale telecommunications equipment.

Resolved that (1) the representations received as a result of the consultation undertaken following the making of the Article 4(1) Direction in July 2014, be noted; and (2) the Article 4(1) Direction in respect of a section of grass verge at Addington Drive in Wallsend as identified more specifically on the Plan at Appendix A of the report, be confirmed on the basis that additional equipment erected at that site will significantly impact on visual amenity.

(Reason for decision – The case has been considered on its individual merits. National Planning Policy Framework Guidance and Counsel’s advice have been considered and noted. The implications to the Authority of approving the Article 4(1) Direction have also been considered and noted. Taking account of the views of residents’ that the erection of any additional equipment on the site will significantly impact on visual amenity it is felt appropriate on this occasion to approve the Article 4(1) Direction.)

CAB111/12/14 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act.

CAB112/12/14 Article 4 Direction – Grass Verge at Addington Drive, Hadrian Park (Battle Hill Ward)

(See also Minute CAB110/12/14)

Cabinet considered a report which detailed Counsel’s advice on the appropriateness of confirming an Article 4 Direction in light of the representations made and the Government Guidance requirements for considering such a Direction.

The report was considered in conjunction with the report at Minute CAB110/12/14 above.

Resolved that the report be noted.

CAB113/12/14 Supporting People to Live at Home Retendering Exercise (All Wards)

Cabinet considered a report which requested approval to undertake a competitive procurement exercise to set up a new Framework Contract for the provision of a Support to Live at Home Service. The Framework would support older and other vulnerable customers to live independently in their own homes. The procurement would be a joint exercise with the North Tyneside Clinical Commissioning Group and the service would also be used to support customers who were Continuing Health Care funded and required community based support.

During discussion the Cabinet Member for Adult Social Care undertook to ensure Cabinet Members would be kept updated regarding the procurement process.

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 Adult Social Care, in consultation with the Cabinet Member for Adult Social Care, the Head of Law and Governance and the Strategic Manager, Finance, be authorised to:

- a) undertake a competitive procurement exercise to procure Framework contract providers, as set out in paragraphs 1.5.1 to 1.5.21 of the report; and
- b) use the unit rate/s for the new service as set out in Option 2 in paragraph 1.5.32 of the report, and award the contracts to the successful providers.

(Reasons for decision – The current contract has come to an end and a tendering exercise must be undertaken. The Authority has been innovative in how it has commissioned this type of service in the past and would like to continue to lead the way in bringing about positive changes in its commissioning approach. There has been a lot of criticism nationally about how councils commission services and the rates that they pay. The rate of pay in North Tyneside has not changed in almost seven years and so this must be updated and reflect the new way of working the Authority expects from providers. The Authority is working with reducing budgets and therefore the future service delivery model must take this into consideration and aim to achieve efficiencies and best value for money. Customers' expectations are changing and are increasing therefore the future service delivery model must recognise and embrace this. In line with the Government's drive for personalisation any future service model must also ensure that the Authority is able to offer service users more choice and control. The procurement process will be able to progress immediately and the Authority will be ready to award new contracts for 1 April 2015.)

CAB114/12/14 Date and Time of Next Meeting

6.00pm on Monday 12 January 2015.

Minutes published on Thursday 11 December 2014.

The decisions contained within these Minutes may be implemented (unless called in by 3 Non-Executive Members for consideration by the Overview, Scrutiny and Policy Development Committee) immediately following the expiry of the call-in period; i.e. 5.00pm on 18 December 2014.