

# Cabinet

**8 June 2015**

**Present:** N Redfearn (Elected Mayor) (in the Chair)  
Councillors CA Burdis, EN Darke, R Glendon, I Grayson,  
JLL Harrison, CB Pickard, LA Spillard, JJ Stirling and  
A Waggott-Fairley.

**In Attendance:** A Armstrong (Young Mayor)  
M Almond (Voluntary and Community Sector)  
P Clow (North Tyneside Clinical Commissioning Group)  
K Goldfinch (Business Sector)  
R Layton (North Tyneside JTUC)

## **CAB1/06/15 Apologies**

Apologies were received from M Cushlow (North Tyneside Clinical Commissioning Group)

## **CAB2/06/15 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

## **CAB3/06/15 Minutes**

**Resolved** that the Minutes of the meeting held on 11 May 2015 be confirmed and signed by the Chair.

## **CAB4/06/15 Report of the Young Mayor**

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

- Shortlisting of applications for the Chair's Commendation Awards and the Young Mayor's Award.
- Attendance at the Launch of Respect Factor and SOS packs which young people from Phoenix Detached Youth Project had created.
- Consultation on Statutory Notices.
- Youth Focus workshops which had consulted on the youth offer in North Tyneside.
- Meeting with sports development officers to plan for the next Young Mayor's Games.
- Tickets were still being sold for 'The Event', the Young Mayor's music festival.
- Health and Wellbeing group members had met with representatives from North Tyneside's Clinical Commissioning Group to discuss urgent care.
- Some youth councillors and members of the Children in Care Council had taken part in their practice Duke of Edinburgh expedition for both bronze and silver awards.
- Youth Councillors, Children's Councillors and the Young Mayor had attended the British Youth Council Convention at Tyne Met College when the Youth Justice System and Youth Justice Board were discussed.

The Young Mayor was thanked for her report and was commended on the work that she and the Young Cabinet were doing.

## **CAB5/06/15 2014/15 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 Investment Plan and the delivery of the Treasury Management Strategy together with the associated prudential indicators for capital and treasury for the financial year 2014/15.

As at 31 March 2015 the provisional General Fund revenue outturn position was an under spend of £5.135m.

This was an improvement on the £2.129m forecast outturn reported to Cabinet on 9 March 2015 (Minute CAB148/03/15 refers). Services showed an under spend of £3.423m at 31 March 2015, an improvement of £1.940m against the year-end projections reported to Cabinet in March 2015. Corporate and Non-delegated items showed an under spend against budget of £5.450m, this included £0.982m unused contingency budget. Transfers to reserves of £1.958m would result in a surplus of £5.135m which was proposed to be added to the Strategic Reserve.

As part of the 2014/15 final accounts, amounts had been set aside as provision and reserves for known liabilities and uncertainties that still remained in future years.

The Housing Revenue Account had year-end balances of £3.732m, which was £1.083m above budget.

School balances had increased from £6.647m to £7.637m. 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 £64.378m, with a recommendation for Cabinet to approve reprogramming of £8.841m into 2015/16.

The Authority had acted prudently during the year, confirming that the security of the Authority's resources was of greater importance than returns on investments. The level of investments at 31 March 2015 was £13.900m. The level of borrowing (excluding PFI) was £440.539m.

Cabinet received a presentation on the Investment Programme Board's End of Year report for 2014/15, which highlighted the Investment Plan's key achievements for the year. It included information on:

- 2014/15 Strategic Investment Plan
- 2014/15 Spend Profile
- 2014/15 Financing Summary
- Gateway Capital Bids
- Projects Completed
- Projects In Progress/On-going
- Priorities for 2015/16

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 2014/15 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 decisions made under the Reserves and Balances Policy, be noted;

(3) the Authority's Investment Plan spend during 2014/15, and the financing put in place, be noted;

(4) further reprogramming of £8.841m within the Investment Plan be approved;

- (5) the Council's Treasury Management performance be noted; and
- (6) the 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 Investment Plan will ensure that the delivery and financing of the Plan is balanced over the medium term.)

### **CAB6/06/15 North Tyneside Surface Water and Drainage Partnership Quarterly Update (Previous Minute CAB150/03/15) (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 22 April 2015 the Partnership had:

- received a presentation on the proposals made through the Killingworth and Longbenton Sustainable Surface Water Management Project, a partnership project between North Tyneside Council, Northumbrian Water and The Environment Agency;
- 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, including flood protection proposals in Monkseaton, culvert replacements and drainage improvements in Shiremoor, culvert works in Wellfield, and co-ordinated work with Nexus to install a surface water culvert at Bywell Grove; and
- received a report on recent changes to planning policy, including the revised planning guidance and technical standards for Sustainable Urban Drainage Systems (SuDS) and the recently convened North East Combined Authority (NECA) SuDS Regional Working Group.

A copy of the draft minutes from the meeting of the Partnership was attached at Appendix 1 to the report.

Cabinet considered the following decision option: to receive the report and note the progress made.

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

(Reason for decision – It will enable the work of the Partnership to progress.)

### **CAB7/06/15 Response to Overview, Scrutiny and Policy Development Committee Report on Young Women and STEM (All Wards)**

Cabinet considered a report which set out proposed responses to the recommendations of the Overview, Scrutiny and Policy Development Committee arising from its in-depth review of Young Women and STEM (Science, Technology, Engineering and Maths). The report had been considered by Cabinet at its meeting on 13 April 2015 (Minute CAB170/04/15 refers)

In November 2014, the Children, Education and Skills Sub-Committee had established a Sub-Group to look at the issue of how to encourage more young women to study STEM subjects.

The Sub-Group had identified six recommendations and three additional points in its report. The proposed responses were detailed in Appendix A to the report.

The success of the implementation of many of the recommendations would be influenced by school leadership teams.

The Head of Children, Young People and Learning would lead a debate regarding the recommendations to ensure they were fully considered both as part of the ongoing school review and by individual schools. This would ensure that full consideration was given to how the recommendations could be implemented and the resultant improved outcomes for girls studying and achieving related qualifications that would increase their access to STEM related careers.

Cabinet considered the following decision options:

Option 1 – accept all recommendations and additional points raised as set out in paragraphs 1.5.5 and 1.5.6 of the report and note officers' suggested actions and suggested additional activity to support their implementation.

Option 2 - approve some of the recommendations and request officers look at other options and suggest additional activity to support progress.

Option 3 – reject the recommendations and suggest additional work to be undertaken.

**Resolved** that (1) the proposed responses to the Overview, Scrutiny and Policy Development Committee in relation to its study on Young Women and STEM, as set out in Appendix A to the report, be approved; and  
(2) a report on progress in implementing the recommendations be submitted to a future Cabinet meeting.

(Reason for decision – North Tyneside continues to have a lower number of girls undertaking STEM subjects and moving on to STEM related careers. The recommendations will enable schools to raise aspirations of girls to access STEM subjects and employment opportunities.)

### **CAB8/06/15 Public Rights of Way – Response to Overview, Scrutiny and Policy Development Committee Sub-Group Report (All Wards)**

Cabinet considered a report which set out proposed responses to the recommendations of the Overview, Scrutiny and Policy Development Committee in relation to its study into Public Rights of Way (PRoW). The report had been considered by Cabinet at its meeting on 13 April 2015 (Minute CAB171/04/15 refers)

As part of the Environment Sub-Committee work programme 2014/15, Members had agreed to carry out a review in relation to the Public Rights of Way network.

The main objective was to examine the current situation in relation to the recording of Public Rights of Way on the Definitive Map and Statement in light of the cut-off date of 1 January 2026, set out in the Countryside and Rights of Way Act 2000 for all Public Rights of Way to be recorded on the Definitive Map and Statement, otherwise they would be lost forever. In addition the Sub-Committee wanted to examine options for the maintenance of the Public Rights of Way network.

A Rights of Way Sub Group of Environment Sub-Committee had been set up, which had undertaken desk based research and had met with officers of the Authority and of the Authority's Technical Partner. In addition the Sub Group had met with representatives of Bridleway and Riders Action Group, British Horse Society, Living Streets, The Ramblers Association and Sustrans.

As a result of the study, the Sub Group had identified six recommendations in its report. The proposed responses to the recommendations were detailed in Appendix 1 to the report.

Cabinet considered the following decision options:

- Option 1 – approve the responses to the recommendations made by the Sub Group as detailed in the Appendix to the report;
- Option 2 – not approve the responses to the recommendations made by the Sub Group as detailed in the Appendix to the report;
- Option 3 – approve, reject or amend any of the proposed responses on an individual basis.
- Option 4 - refer the matter back to Officers for further consideration of particular issue(s).

**Resolved** that the proposed responses to the recommendations from the Overview, Scrutiny and Policy Development Committee in relation to its study into Public Rights of Way, as set out in Appendix 1 to the report, be approved.

(Reason for decision – It will support the effective management of North Tyneside’s Public Rights of Way network.)

### **CAB9/06/15 Complaints Service Report 2013-14 and 2014-15 (All Wards)**

Cabinet considered a report which detailed complaint related activity during 2013-14 and 2014-15 and which complied with the requirement to publish a Report on Complaints under the relevant statutory complaint legislation.

The Authority undertook millions of transactions with its 202,200 residents, and substantial numbers of visitors to the Borough, throughout the year. Against that background, the number of complaints received by the Authority remained consistently low, reflecting the excellent services customers received and the Authority’s ability to resolve swiftly any issues that did arise at the first point of contact.

The number of formal complaints had increased during 2013-14 and 2014-15 compared to the previous years, as the Authority took a more proactive approach to encouraging residents and service users to provide feedback.

Customer satisfaction with the complaints process remained relatively high and the Authority continued to resolve the vast majority of complaints at Stage 1. The Authority welcomed complaints as valuable feedback from its customers, and complaint outcomes provided valuable lessons learned to further improve and enhance the Authority’s services and procedures.

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

In 2013-14 and 2014-15 the Authority had responded to Local Government Ombudsman (LGO) enquiries in a timely fashion and well within the required timescale for response of 28 days. The LGO’s Annual Review of Complaints for 2013-14 was detailed in the report. The Housing Ombudsman (HO) had come into being on 1 April 2013. Complaints referred to the HO were also detailed in the report.

The Authority’s Complaints Service Report for 2013-14 and 2014-15 was appended the report.

The overall number of formal complaints had increased by 23% from 602 in 2012-13, to 740 in 2013-14 and increased by a further 17% in 2014-15 with a total number of complaints of 864.

The increase in complaints related to several service areas, with the biggest increases being in relation to Benefits, Council Tax and Customer Services; and Housing Complaints.

The Authority recognised that it was important to deal with complaints well as this was central to providing a good customer service. Services sought to address complaints and learn from these complaints so that the Authority could continually improve services.

The number of Social Care complaints (relating to both Adult Social Care and Children and Young People's Services) had increased from 67 in 2012-13 to 81 in 2013-14 and totalled 92 in 2014-15. This equated to increases of 9 cases in Children's Social Services and 16 cases in Adult Social Care over the 2 year period.

Further details of the complaints were provided in the report.

A survey of complainants' experiences of, and satisfaction with, the complaints service undertaken in respect of complaints handled during 2013-14 and 2014-15 resulted in 17% of forms being returned. The majority of those responding found it easy to find information about the service, said staff were helpful, they were happy with the length of time taken to respond to their complaint, and the content of the response letter was easy to understand. Overall 71% of customers thought the complaints process was good.

One key aim of the complaint process was 'learning' from complaints and this was a core driver in all future developments. A number of changes had been made to procedures and practice in services as a result of complaints resolved during 2013-15. Examples were detailed in the report.

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

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

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 further analysis and information is provided.

**Resolved** that (1) the complaint related activity during 2013-14 and 2014-15, as set out in the Complaints Service Report, be noted;  
(2) the Report be approved for publication by the Head of Law and Governance; and  
(3) the Local Government Ombudsman's Annual Review of complaints concerning North Tyneside Council for 2013-14, as detailed in Appendix 2 to the report, be noted.

(Reason for decision - All local authorities providing 'social service functions' including North Tyneside Council are required to publish an annual report on complaints received. Publication of a Report also supports community engagement, and promotes transparency and opportunities for organisational improvement.)

### **CAB10/06/15 Deferred Payments Policy (All Wards)**

Cabinet received a report requesting approval of the new North Tyneside Deferred Payments Policy.

A Deferred Payments Agreement enabled an adult who met qualifying criteria to defer or delay paying the cost of their care home fees until a later date by taking out a loan from the Authority. The Authority became responsible for paying care home fees on behalf of the adult and the debt was secured against the value of their home. Offering a Deferred Payments Agreement ensured that adults would not be forced to sell their home during their lifetime to pay for care.

Local schemes for Deferred Payments had been in operation since 2002 and North Tyneside Council had offered Deferred Payments since that time. Currently the Authority had 46 Deferred Payments Agreements in place.

The Care Act 2014 had introduced a new Universal Deferred Payments Scheme which all local authorities had to introduce from 1 April 2015.

In addition to the mandatory scheme, the Care Act 2014 gave local authorities the power to offer Deferred Payments Agreements to a wider group of people on a discretionary basis. However, until the Authority had a better idea as to the extent of the impact of the Care Act 2014 and the potential take-up for Deferred Payments Agreements, the Authority's Deferred Payments Scheme and Policy had been drafted to cover Deferred Payments for residential and nursing home placements only. This decision would be subject to review and any change to the Policy would be considered by Cabinet.

The new policy would apply to all new Deferred Payments from 1 April 2015. The pre-existing Policy was no longer in line with legislation and could no longer be used for new agreements. However existing Deferred Payments would not be affected and would continue in line with the old scheme.

The North Tyneside Deferred Payments Policy had been drafted in line with Sections 34 and 35 of the Care Act 2014; The Care and Support (Deferred Payment) Regulations 2014; Chapter 9 of the Care and Support Statutory Guidance issued by the Department of Health; and North Tyneside Council's Charging for Care and Support Policy.

The policy would be updated in line with any subsequent changes in legislation.

The key provisions of the Policy were detailed in the report.

Cabinet considered the following decision options: either to accept the Policy and agree its implementation, or alternatively to reject the Policy and request that further work be done.

**Resolved** that the implementation of the new Deferred Payments Policy, attached as an appendix to the report, be approved.

(Reason for decision – The Care Act 2014 has repealed previous guidance and therefore the previous policy is no longer fit for purpose and there is no longer discretion for the Authority to provide Deferred Payments to those people in care home settings, who meet the qualifying criteria and wish to defer the cost of their care home fees through a Deferred Payment

The Care Act 2014 has introduced a mandatory requirement that a Deferred Payment Agreement is offered in these circumstances. To ensure that the Authority is acting lawfully, the Authority must have a Deferred Payments Policy in place.)

### **CAB11/06/15 Spanish City Dome Procurement (Whitley Bay Ward)**

Cabinet considered a report which requested approval to commence a European Union (EU) compliant procurement process to appoint a provider to manage the refurbished Spanish City Dome accommodation on behalf of the Authority. The procurement process was necessary to meet the requirements of the Heritage Lottery Fund and therefore must be completed prior to the submission of the Stage 2 grant application for the restoration of the Spanish City Dome.

In order to ensure a sustainable future for the Spanish City Dome, the Authority had submitted a Stage 1 Heritage Enterprise Lottery Fund (HELFF) bid. This had been approved in December 2013. Following discussions with Heritage Lottery advisers a 'Permission to Start' had been issued and work began in the summer of 2014 to prepare the level of detail required to submit the Stage 2 bid. The Stage 2 bid had to be submitted by 18 November 2015.

The Stage 2 bid required a detailed business case to demonstrate the project was sustainable in the long term, to ensure the HELFF grant would be a worthwhile investment. To test the sustainability of the proposed end uses an 'Expression of Interest' marketing exercise had been undertaken during August 2014 to gauge the level of interest from potential businesses who would want to operate from the Dome building.

The marketing exercise had indicated that around 30 local businesses were interested in taking accommodation in the Spanish City Dome. The strongest interest centred on the former shop units fronting the Plaza/Promenade with less interest shown in the larger units at first floor. No interest had been shown in the ground floor of the Rotunda, which was currently constrained by numerous columns and had little natural light. The information from this exercise had been used to inform the continuing design process, including a review of whether the first floor in the Rotunda, which was a later insertion, should be removed.

Following the marketing exercise, interest had been shown by a number of larger businesses in occupying and/or managing the overall accommodation in the Spanish City Dome on behalf of the Authority. This option had been discussed with the local Heritage Lottery officers who had indicated that they would like the Authority to undertake the necessary procurement exercise to secure such a provider. This would not necessarily negate previous expressions of interest arising from the August 2014 marketing, particularly for the shop units fronting the Plaza/promenade. It was expected that the preferred provider would wish to market the units and select tenants themselves.

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.

It was noted that in accordance with the urgency provisions contained in the Constitution, the Chair of Council had agreed to the decision on this matter not being subject to call-in for the following reason:

Any delay would prejudice the Authority's ability to meet the timescales for submitting the Stage 2 Heritage Lottery bid. If the deadline for submission was not met, then the project would have to be resubmitted as a stage 1 bid, therefore beginning the whole process again with no guarantee of funding support from the Heritage Lottery Fund. It was therefore essential that the procurement exercise commenced immediately.



**Resolved** that (1) the Head of Business and Economic Development, in consultation with the Elected Mayor, the Strategic Manager Finance and the Head of Law and Governance, be authorised to commence an EU compliant procurement process to identify a preferred provider for the management of the refurbished Spanish City Dome on the following basis:

- a. determine the most appropriate procurement process, including the scoping of the exercise;
- b. approve the specification, the procurement documentation and ultimate contract terms;
- c. set the duration of the contract (together with any extensions);
- d. approve the evaluation criteria; and
- e. oversee the project procurement; and

(2) a report be submitted to a future meeting of Cabinet detailing the outcome of the procurement process, along with the detailed financial implications, with recommendations relating to the award of the contract.

(Reason for decision - It will demonstrate the Authority's clear commitment to deliver the Spanish City Island Regeneration scheme and to secure an improved quality of life for local residents and improved environment for local businesses. It will also help provide certainty that the restoration of Spanish City Dome can proceed in a timely manner, which is essential to ensure the Heritage Lottery Fund grant is not put at risk. It will provide the Heritage Lottery Fund with the assurance that an established end user will take space in the Spanish City Dome and manage the completed complex on behalf of the Authority.)

### **CAB12/06/15 Date and Time of Next Meeting**

6.00pm on Monday 13 July 2015.

### **Minutes published on Thursday 11 June 2015.**

**With the exception of Minute CAB11/06/15, 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 June 2015.**

**The decisions contained in Minute CAB11/06/15 are not subject to call-in and may be implemented immediately.**