

Cabinet

11 April 2016

Present: N Redfearn (Elected Mayor) (in the Chair)
Councillors CA Burdis, R Glindon, IR Grayson,
JLL Harrison, CB Pickard, L Spillard, JJ Stirling and
A Waggott-Fairley.

In Attendance: M Almond (Voluntary and Community sector)
K Archer (Young Mayor)
A Caldwell (Age UK)
R Layton (North Tyneside JTUC)
D Rose (Business sector)

CAB157/04/16 Apologies

Apologies were received from Councillor EN Darke.

CAB158/04/16 Declarations of Interest and Dispensations

A Caldwell (Age UK) declared an interest in agenda items 7(b) (Procurement of learning disability and mental health services) and 7(c) (Procurement of an accommodation and care framework) as Age UK were a provider in relation to services referred to in those reports (Minutes CAB163/04/16 and CAB164/04/16 below refer) .

CAB159/04/16 Minutes

Resolved that the Minutes of the meetings held on 14 and 23 March 2016 be confirmed and signed by the Chair.

CAB160/04/16 Report of the Young Mayor

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

- Presentation of awards at the 60th anniversary for Duke of Edinburgh.
- Young People and Alcohol were a new group made up of Youth Councillors from a variety of North East local authorities. A workshop had been held, hosted and planned by young people to discuss their ideas and see if there was an appetite to do some local, regional lobbying or advocacy work based around alcohol and marketing in particular. Members of the health and wellbeing group had taken part and had consulted with youth councillors about their concerns and how the project should develop. Youth Councillors would take their findings back to the group.
- The Event auditions had finished and the final 12 acts had been chosen.
- Deputy Young Mayor Bethany had opened the North Shields Town trail.
- The Youth Council had agreed to support young refugees coming to live in North Tyneside as their fundraising charity for 2016. At its March meeting they had received a visit from Walking With project who already supported refugees and asylum seekers. The Youth Council had agreed to offer donations of food and other resources, but most importantly friendship to the new arrivals.

- Youth Councillors had taken part in a first meeting for YES town planning. The researcher from Newcastle University town planners' course wanted to include young people's ideas in the future planning of new towns. The findings would be included in a report funded by Catherine Cookson Foundation and used to show town planners the value of including young people in the decision making process.
- Young Cabinet members had taken part in a Youth Voice Leadership Development Programme organised by British Youth Council in Doncaster.

The Young Mayor had now agreed the Young Cabinet membership for the forthcoming year, and they would be taking forward their plans for the year including delivering on the Young Mayor's pledges.

The Elected Mayor thanked the Young Mayor for the report.

CAB161/04/16 Residents Survey – Presentation (All Wards)

Cabinet received a presentation on the North Tyneside Residents Survey 2015.

A postal survey of a sample of 4,350 addresses across North Tyneside from the postal address file had been undertaken. A total of 1,228 residents aged 18+ had completed and returned a 12-page questionnaire, a response rate of 28%. Fieldwork had taken place between September and October 2015, with one reminder mailing to those who had not replied to the first mailing.

The presentation outlined the top level results in relation to views of the local area; community resilience and well being; views of the Council and its services; and economic outlook. The following summary of results was presented:

	2015 % satisfied	2014 % satisfied	2015 net score	Net improvement
Satisfied with the local area	79	76	+67	+5ppts
Satisfied with the Council	52	51	+30	+3ppts
Advocacy	42	39	+10	+6ppts
Value for Money	44	40	+23	+10ppts
Feel informed	62	59	+23	+5ppts

Individual services were also holding their own, particularly environmental services. The findings were being used to inform future plans, including the Target Operating Model. Further detail within the full report was being analysed, including ward level data and a full report would be published on the Authority's website in due course.

Members welcomed the encouraging results and looked forward to building upon the findings and developing actions in the Our North Tyneside Plan to achieve further improvements.

The Elected Mayor thanked her Cabinet colleagues and officers for the good progress made to date.

On behalf of the business sector, Mr Rose thanked the Authority for its support to business both in terms of providing financial support and in attracting new business to the Borough.

Resolved that the presentation be noted.

**CAB162/04/16 Land at Charlton Court, Whitley Bay (Previous Minute CAB100/12/15)
(Monkseaton South Ward)**

At its meeting held on 14 December 2015, Cabinet had considered a report that provided information on representations made in relation to a statutory advertisement that was placed in the local press notifying the public of the proposed disposal of two areas of land at Charlton Court, Whitley Bay. The land had previously been declared surplus to the Authority's requirements and available for disposal to a Registered Provider for the development of affordable homes.

Due to the number of objections received, Cabinet had agreed to ask officers to reconsider the proposed disposal of the land, taking account of the comments/objections received and to look into possible alternative residential development options.

Officers had therefore worked with the Register Provider and an alternative proposal had now been put forward comprising the development of Area A (as shown in the Appendix to the report) with 13no. 1 bed flats for people with learning difficulties with on site staff support provision, whilst Area B would be retained as protected public open space.

Additional updated developer responses had been provided within Appendix 2 taking into account the proposed change in the scheme.

A resident and Ward Member consultation session had been held on 12 February 2016, in order to gauge views on this revised proposal, and a summary of feedback obtained was set out in the report.

The Cabinet Member for Housing and Transport referred to the Mayor and Cabinet's objective to build 3,000 affordable homes in North Tyneside by 2023, and this was one of 20 areas of land in the Borough that had been identified for that purpose. He considered that many of the concerns expressed by residents to the original proposals had been addressed in developing the revised proposal and that 78% of the site would now be retained as open space and available to residents.

It was noted that public consultation would be undertaken as part of the normal planning process in respect of the specific development proposals for the site.

Cabinet considered the following decision options:

Option 1: To set aside the objections received in relation to the proposed disposal of the public open space within Area A at Charlton Court, Whitley Bay and allow the disposal of the land to proceed; or

Option 2: To uphold the objections received in relation to the proposed disposal of public open space at Charlton Court, Whitley Bay in which case the disposal cannot proceed.

Resolved that the objections received in relation to the disposal of the land marked on the Appendix to the report as Area A at Charlton Court, Whitley Bay be set aside, and approval be given to the disposal of this land.

(Reason for decision – it will contribute to the Elected Mayor and Cabinet's commitment to deliver more quality affordable homes in the Borough).

CAB163/04/16 Procurement of Learning Disability and Mental Health Services (All Wards)

Cabinet considered a report seeking approval to undertake two procurement exercises to set up framework agreements for learning disability supported living and community support services from 1 April 2017; and for mental health services from 1 September 2016.

Approval was also sought to extend the current Independent living services agreement for contracts transferred from the Northumberland Tyne and Wear (NTW) NHS Trust.

The new framework agreement for independent supported living and community based services for people with a learning disability, would also include those who had autism. The Authority would determine the costs of the services to be commissioned under this framework. It was also proposed to include service provision for children with a disability within this framework agreement.

The contract period would be from 1 April 2017 to 31 March 2020 with the option to extend for a further two year period, ie to 31 March 2022.

The contract for the NTW transferred independent supported living services expired on 31 May 2016 and it was proposed that these were extended to 31 March 2017, to enable the services under this contract to be brought into the learning disability supported living framework agreement.

The procurement of a new framework agreement to meet the needs of people with mental health needs would move away from block funded services; offer greater choice to people regarding the services they accessed and provide an opportunity for mental health service providers to adopt a recovery focussed model for individuals. A review of the current mental health service provision had been completed by the Authority and it had highlighted that there was a need for longer term support for people to maintain their own homes and achieve and maintain greater independence.

The framework agreement would cover the following service areas in relation to mental health support:

- Supported living and home support
- Day opportunities and group support
- Employment and volunteering support
- Crisis support

The contract period would be from 1 September 2016 to 31 March 2020 with the option to extend for a further two year period, ie to 31 March 2022. This would ensure the contract term was aligned to the learning disability framework agreements.

The report explained how the procurement exercise would be underpinned by the principles of the Authority's Target Operating Model and Social Value Policy.

The following decision options were available for consideration by Cabinet:

Option 1: Agree the recommendations set out at section 1.2 of the report.

Option 2: Not agree the recommendations set out at section 1.2 of the report.

Resolved that the Head of Health, Education, Care and Safeguarding, in consultation with the Head of Commissioning and Investment, Head of Finance, the Cabinet Members for Adult Social Care; Health and Wellbeing; Finance and Resources; the Deputy Mayor; and service users, be authorised to:

- (1) undertake a Public Contract Regulations 2015 compliant procurement exercise to procure providers to deliver the proposed new services, as outlined in section 1.5.2 of the report;
- (2) following the open procurement exercise carried out in accordance with (1) above, to proceed with the award of contracts, and
- (3) approve the extension of the existing contractual provisions from 1 June 2016 to 31 March 2017 for seven independent supported living services commissioned from United Response.

(Reason for decision – Current contracts will have expired and in order to comply with procurement regulations, the Authority must undertake a competitive procurement exercise and put the new services in place; the new service will provide a flexible service which provides the right level of support to those who need it the most; the adoption of a collaborative approach to service provision is likely to produce more seamless services to vulnerable individuals who often have Care Act eligible social care needs).

CAB164/04/16 Procurement of an Accommodation and Care Framework (All Wards)

Cabinet considered a report seeking approval to undertake an open procurement exercise for the development of a Dynamic Purchasing System agreement for specialist accommodation (and support where it was required) to meet the needs of vulnerable adults who had care / support needs and would benefit from living in a supported living service in North Tyneside. The Dynamic Purchasing System would be an open list and organisations could apply to be included as required, throughout its period, provided providers met the minimum criteria set by the Authority.

The Authority's housing Market Position Statement (MPS) for vulnerable adults identified the need to develop a range of housing options for different client groups. Having the right housing in the right place and built to the right standards would have a positive effect on individuals and the care and support that was required to be put in place to meet their needs. The commissioning of accommodation and care services together could be undertaken more effectively with cost savings to the Authority.

The Authority wished to work proactively with a range of housing developers to maximise this opportunity and ensure developments were built in a planned way, therefore meeting the needs of people within North Tyneside.

The MPS identified a range of housing requirements for the following client groups: older people; learning disability; physical disability; and care leavers.

Once providers were appointed to the Dynamic Purchasing System and as development opportunities arose with Registered Providers, private sector landlords or developers, the Authority would seek to prioritise and work with individual organisations on specific schemes that were aligned to the Authority's requirements, as identified in the MPS.

There would be two Lots on the Dynamic Purchasing System; Lot 1 comprising a list of providers offering accommodation only; and Lot 2 comprising a list of providers offering accommodation and care / support. Details of each were set out in the report.

The report also outlined the proposed arrangements for entering into a nominations agreement with the organisation concerned to be able to nominate individual clients into the housing provision, which was designed to give the Authority priority for admittance of individuals to a particular property or setting for a set period of time, to enable the Authority to manage the occupation of a particular property or setting in the interests of the respective individuals.

Charging arrangements within extra care housing schemes for older people would include the use of a core support charge, which had been previously agreed by Cabinet and Council as part of the budget setting process in 2015/16.

The report explained how the procurement exercise would be underpinned by the principles of the Authority's Target Operating Model and Social Value Policy.

The following decision options were available for consideration by Cabinet:

Option 1: to agree the recommendations set out at section 1.2 of the report.

Option 2: not agree the recommendations set out at section 1.2 of the report and propose that officers consider other options for delivering this provision.

Resolved that the Head of Health, Education, Care and Safeguarding, in consultation with the Head of Commissioning and Investment, Head of Finance, the Cabinet Members for Adult Social Care; Health and Wellbeing; Finance and Resources; Housing and Transport; the Deputy Mayor; and service users, be authorised to:

- (1) undertake an open procurement exercise to procure providers to deliver the proposed new services, as outlined in section 1.5.2 of the report; and
- (2) following the open procurement exercise carried out in accordance with (1) above, to proceed with the award of contracts.

(Reason for decision – To ensure the development of appropriate housing provision that meets the needs of vulnerable adults within the Borough of North Tyneside; and to achieve efficiencies in revenue costs associated with the commissioning of accommodation, care and support in this manner).

CAB165/04/16 Residential and Nursing Care Homes Contract (All Wards)

Cabinet considered a report seeking approval to undertake a procurement exercise to set up a new Dynamic Purchasing System for the provision of residential and nursing care provided in a care home setting. The Dynamic Purchasing System would enable the Authority to contract with any care home provider in the borough that accepted the fee structure proposed by the Council and who met the standards set out in the contract and the specification.

The new Dynamic Purchasing System would replace the current contractual arrangements in place with residential and nursing care homes in the Borough, which expired in August 2016. The current contracts covered all existing placements that had been made to enable the Authority to meet its statutory duty in respect of individuals who had been assessed as requiring residential or nursing care following a Community Care Assessment.

This procurement would be a joint exercise with the NHS, North Tyneside Clinical Commissioning Group (CCG) and the contract would cover the provision of personal care, Funded Nursing Care and NHS Continuing Health Care.

NHS Continuing Health Care placements would continue to be funded by the North Tyneside Clinical Commissioning Group.

Current contracts were monitored via a Quality Payment Scheme that linked the level of fee paid to the quality of service provided, and which was determined by an annual quality assessment. This was a joint arrangement with the CCG, with the CCG taking a lead in terms of monitoring the quality of clinical provision including NHS Continuing Health Care placements and the Authority leading with the quality assurance in respect of the residential elements of both residential and nursing home care.

This arrangement would continue under the proposed new contractual arrangements, which would align contractual and joint monitoring arrangements under one contract.

The report explained how the procurement exercise would be undertaken in accordance with the Authority's Social Value Policy.

It was proposed that the new Dynamic Purchasing System would be in place to commence on 1 August 2016. The contract duration would be for 36 months with an option for the Authority to extend for a further 24 months.

Cabinet considered the following decision options:

Option 1: Agree the recommendation set out at section 1.2 of the report.

Option 2: Not agree the recommendation set out at section 1.2 of the report.

Resolved that the Head of Health, Education, Care and Safeguarding, in consultation with the Head of Commissioning and Investment, Head of Finance, the Cabinet Members for Adult Social Care; Health and Wellbeing; Finance and Resources; the Deputy Mayor; and service users be authorised to undertake a Public Contract Regulations 2015 compliant procurement exercise to establish a new Dynamic Purchasing System for residential and nursing care home providers, as outlined in section 1.5.3 of the report.

(Reason for decision - Current contracts expire in August 2016 and in order to comply with procurement regulations, the Authority must undertake a procurement exercise and put new contracts in place. The Dynamic Purchasing System will replace an outdated and inappropriate contractual process. It will enable the Authority and the CCG to jointly commission residential and nursing care home placements).

CAB166/05/16 Procurement of Children's Public Health Service 0-19 Years (All Wards)

Cabinet considered a report seeking approval to undertake a competitive procurement exercise for a Children's Public Health Service for 0-19 years. The service was an integral part of the integrated, preventative and early intervention service for children and young people aged 0-19 years that Cabinet had approved at its meeting held on 14 March 2016.

The Service would deliver the national 'Healthy Child Programme'. This was an evidenced based prevention and early intervention public health programme. Due to its universal reach, the Service aimed to identify families who needed additional support or were at risk of poor health outcomes.

Currently, the Health Visiting Service, Family Nurse Partnership Programme and School Nursing Service were commissioned by the Authority from Northumbria Healthcare NHS Foundation Trust (NHCFT).

The School Nursing Service had been inherited on the transfer of public health responsibilities to Local Authorities on 1 April 2013. The current contract expired on 31 March 2016.

Responsibility for the commissioning of the Health Visiting Service and Family Nurse Partnership Programme had been transferred to the Local Authority from NHS England on 1 October 2015. The current contract expired on 31 March 2016. An extension opportunity to provide the service until 30 September 2016 was to be utilised.

It was intended to award a new contract to commence on 1 October 2016 for an initial contract period of 3 years with an option for the Authority to extend for a further two 12 month periods.

In accordance with the provisions of the Constitution, the Chair of Council had agreed to the decisions in relation to this matter not being subject to call-in to enable the procurement exercise to commence immediately and be completed with a new provider in place by 1 October 2016.

The following decision options were available for consideration by Cabinet:

Option 1: not approve the suggested children's public health service 0-19 years procurement exercise 2016 set out at section 1.2 in the report and request Officers to consider alternative options.

Option 2: approve the commencement of the suggested children's public health service 0-19 years procurement exercise 2016 set out at section 1.2 in the report.

Resolved that the Head of Health, Education, Care and Safeguarding, in consultation with the Head of Commissioning and Investment, Head of Finance, the Cabinet Members for Adult Social Care; Health and Wellbeing; Finance and Resources; Children, Young People and Learning; the Deputy Mayor; and service users, be authorised to:

- (1) commence a competitive procurement exercise to establish a children's public health service, 0-19 years, as an integral part of the integrated preventative and early intervention service for children and young people aged 0-19 years in North Tyneside; and
- (2) following completion of the procurement exercise referred to in (1) above, to award a contract for the provision of a children's public health service 0-19 years across the borough for a contract period of three years, with an option for the Authority to extend for a further two twelve month periods.

(Reason for decision – It provides an opportunity to integrate provision for children from the antenatal period until the age of 19 which will offer co-ordination of public health services for children, economies of scale and an integrated workforce that is better able to meet the needs of children, young people and families through one point of contact.

It will allow for the alignment of externally commissioned services for children, young people and families with prevention and early intervention services provided by the Authority, whilst ensuring that financial efficiencies are achieved).

CAB167/04/16 Council Motion on Trade Union Bill (All Wards)

Cabinet considered a report on a Motion that full Council had agreed at its meeting on 21 January 2016, which called upon the Cabinet to:

- Support the TUC's campaign to protect the right to strike;
- Write to the Secretary of State for Business, Innovation and Skills stating the Council's opposition to the government's proposals on trade unions;
- Write to the Secretary of State for Communities and Local Government stating the opposition to the interference of central government in local industrial relations as it is against the spirit of localism;
- Write to our local MPs in North Tyneside informing them of our position and encouraging them to oppose the Trade Union Bill;
- Continue to value the importance of meaningful workforce engagement and representation through trade unions in North Tyneside;
- In the event that the Government's proposals become law, in so far as is lawful for the Council as an employer:
 - Continue to allow recognised trade unions to collect subscriptions through payroll, or otherwise support trade unions' efforts to move members onto direct debit subscriptions, through allowing access to workers and as much notice as possible of any changed arrangements;
 - Maintain current arrangements on "facility time" for trade union reps to represent their members; and
 - Commit not to use agency workers to break strikes.

The Government's proposals within the Trade Union Bill would introduce higher strike ballot thresholds, which required a minimum of 50 per cent turnout of union members entitled to vote before action could go ahead legally.

There would also be a tougher ballot threshold for key public services, such as those provided by local government, health, fire and transport, where 40 per cent of those entitled to vote would be required to cast their ballot in favour of industrial action.

Trade unions would be required to give two weeks notice of industrial action and a mandate for industrial actions expired four months after the date of a ballot. The proposals set out information to be included on a voting paper; how the ballot result was to be provided to trade union members and information to be provided to the Certification Officer about the ballot.

The Certification Officer (who regulated unions) would be given powers to investigate unions and access membership lists even if no-one had complained about a union's activities. The regulator will also be able to impose fines of up to £20,000 on unions. The government would be able to charge unions to cover the running costs of the Certification Officer. Costs were likely to increase as the regulator had new responsibilities.

There would be an opting in process and the requirements to provide an annual return to include details of political expenditure. The proposals brought in the right to introduce a cap on facility time and prohibit public sector employers from making trade union subscription deductions from wages. Further government plans included repealing the ban on hiring agency workers to cover for striking workers and tighter controls on picket lines.

The following decision options were available for consideration by Cabinet:

Cabinet

Option 1: approve the implementation of the actions as requested within the Council motion.

Option 2: not approve the implementation of the actions as requested within the Council motion.

Resolved that the actions contained within the Council Motion on the Trade Union Bill be approved.

(Reason for decision – To enable the actions requested in the Council motion to be implemented).

CAB168/04/16 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 Paragraphs 3, 4 and 5 of Part 1 of Schedule 12A to the Act.

CAB169/04/16 Equal Pay (All Wards)

Cabinet considered a report which provided updated information on the resolution of equal pay claims and sought authority for the future management of these matters.

The Authority had progressively resolved the majority of claims against it and had successfully introduced a scheme of job evaluation and grading structure, which was generally recognised as a safeguard in respect of future claims for equal pay.

An updated finance and other resources implications statement in relation to the proposals was circulated at the meeting.

Cabinet considered the following decision options:

Option 1: agree the recommendations set out in the report;

Option 2: agree the recommendations set out in the report but vary the delegation;

Option 3 reject the recommendations set out in the report and substitute alternative decisions.

Resolved that (1) the current position on the resolution of equal pay issues, as set out in the report, be noted; and
(2) the Head of Human Resources and Organisational Development, in consultation with the Deputy Mayor, the Head of Finance and the Head of Law and Governance, be authorised to resolve/settle the remaining equal pay grievances submitted against the Authority.

(Reason for decision - the proposals are consistent with the agreed strategy for the management of the equal pay claims and have the potential not only to further safeguard the Authority but also to secure a financial saving).

Cabinet

CAB170/04/16 Date and Time of Next Meeting

6.00pm on Monday 9 May 2016

Minutes published on 14 April 2016.

With the exception of Minute CAB166/04/16, 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 21 April 2016.

The decisions contained within Minute CAB166/04/16 are not subject to call-in and may be implemented immediately.