

Cabinet

13 June 2016

Present: N Redfearn (Elected Mayor) (in the Chair)
Councillors CA Burdis, E N Darke, R Glindon, IR Grayson, M Hall, JLL Harrison and CB Pickard.

In Attendance: M Almond (Voluntary and Community sector)
B Amer (Deputy Young Mayor)
R Layton (North Tyneside JTUC)
D Hodgson (Business sector)
J Wicks (North Tyneside Clinical Commissioning Group)

CAB01/06/16 Apologies

Apologies were received from Councillors J Stirling and A Waggott-Fairley, K Archer (Young Mayor) and A Caldwell (Age UK).

CAB02/06/16 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

CAB03/06/16 Minutes

Resolved that the Minutes of the meeting held on 9 May 2016 be confirmed and signed by the Chair.

CAB04/06/16 Report of the Young Mayor

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

- The Event wristband tickets for the Young Mayor's Music festival were now on sale.
- Attendance at the Wallsend Children's' Community Launch at the Village Hotel.
- Some Youth Councillors and the Children's Council had taken part in sowing wild flower seeds in an area of Richardson Dees Park. The Grow Wild project donated wild flower seeds to community groups to help enhance areas of the UK's towns and cities.
- Donations of groceries had been delivered to the Walking With Charity. Planning has also begun on how youth councillors would be involved in befriending any young refugees once they had settled in North Tyneside.
- Some youth councillors had visited the Architecture Planning and Landscape Department at Newcastle University. This was a follow on from the Town Planning project that Youth Councillors had helped inform a few months ago.
- Attendance at the Chair of the Council's commendation awards presentation.
- Member of Youth Parliament Dillon Blevins and 30 other young people had taken part in their Duke of Edinburgh Awards practice expedition.

- Some Youth Councillors had attended the British Youth Council Convention at Tyne Met.
- Some members of the Children in Care Council had been invited by the Children's Commissioner's office to attend the Houses of Parliament today where they would meet Edward Timpson, Minister of State for Children and Lord Nash, Parliamentary Under Secretary of State for Schools to discuss the Children and Social Work Bill 2016-17.

The Elected Mayor thanked the Deputy Young Mayor for the report.

CAB05/06/16 Carers' Support and Respite Provision in North Tyneside – Report of the Overview, Scrutiny and Policy Development Committee (All Wards)

Cabinet received a report detailing the recommendations of the Overview, Scrutiny and Policy Development Committee in relation to a study undertaken by a Sub-Group of the Adult Social Care, Health and Wellbeing Sub-Committee into Carers' Support and Respite Provision in North Tyneside. Councillor P Brooks, Chair of the Sub-Committee and Sub-Group presented the report.

It had been agreed that the main focus of the study would be to assess support and respite provision in North Tyneside for adult carers and parent carers of disabled children; to ensure that they had access to good quality support, advice and information and respite care.

Members had held a series of evidence gathering meetings with expert witnesses between October 2015 and April 2016.

The full report which outlined the key findings, conclusions and recommendations of the review was attached at Appendix 1. The findings of the study had resulted in 19 recommendations, for both Cabinet and partner organisations of the Council.

Cabinet was asked to consider the recommendations and was required to provide a response to the Overview, Scrutiny and Policy Development Committee within two months.

The Cabinet Member for Public Health and Health and Wellbeing and the Mayor thanked everyone who had contributed to the report.

Resolved that the report of the Overview, Scrutiny and Policy Development Committee be noted and a detailed response to the recommendations be provided at a future Cabinet meeting, no later than August 2016.

(Reason for decision – Cabinet has a statutory duty to respond to the Overview, Scrutiny and Policy Development Committee's recommendations within two months of receiving them.)

CAB06/06/16 2015-16 Provisional Finance Outturn Report (All Wards)

Cabinet received a report on 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 for the financial year 2015/16.

As at 31 March 2016 the provisional General Fund revenue outturn position was an under spend of £1.573m, after taking into account all year end transactions and transfers to and from reserves (which was 1.00% of the net revenue budget and 0.29% of the gross expenditure budget). This was an improvement of £1.895m on the forecast outturn reported to Cabinet on 14 March 2016.

As part of the 2015/16 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 a year-end balance of £4.388m, which was £1.718m above budget.

School balances had reduced from £7.637m to £6.982m, 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 £65.995m, with a recommendation for Cabinet to approve reprogramming of £13.635m into 2016/17.

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 2016 was £14.200m. The level of borrowing (excluding PFI) was £434.752m.

Cabinet considered the following decision options:

Option 1: agree the recommendations as set out in Section 1.2 of the report.

Option 2: disagree with all or some of the individual recommendations set out in section 1.2 of the report.

Resolved that (1) the provisional 2015/16 outturn for the General Fund, Housing Revenue Account and Schools Finance, together with the 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 and delivery during 2015/16, and the financing put in place be noted;

(4) further reprogramming of £13.635m within the Investment Plan be approved;

(5) the Authority'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).

CAB07/06/16 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (All Wards)

Cabinet received a report seeking approval for the North Tyneside Council Statement of Principles for Penalty Charges, which would allow the Authority to levy an appropriate penalty charge where landlords had failed to comply with the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.

The Regulations imposed duties on landlords of residential premises in respect of the installation and maintenance of smoke and carbon monoxide alarms. North Tyneside Council, as a local housing authority, had a duty to ensure that relevant landlords in the borough complied with their duties and responsibilities under the Regulations. These regulations did not apply to registered providers of social housing such as the Authority and housing associations.

Cabinet considered the following decision options:

Option 1: Agree the recommendations as set out in Paragraph 1.2

Option 2: Not agree the recommendations as set out Paragraph 1.2 and instruct officers to amend the Statement of Principles and prepare a further report to Cabinet producing an amended Statement of Principles.

Resolved that (1) the draft Statement of Principles set out at Appendix 1 to the report and its publication be approved;

(2) the Head of Environment, Housing and Leisure, in consultation with the Head of Law and Governance and the Head of Finance, be authorised to revise the Statement of Principles as considered appropriate and to publish any such revised Statement;

(3) the Head of Environment, Housing and Leisure be authorised to serve Remedial Notices and Penalty Charge Notices under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and to authorise persons to take remedial action as specified in Remedial Notices; and

(4) the Head of Environment, Housing and Leisure be authorised to consider any request for a review of a Penalty Charge Notice and to decide whether to confirm, vary or withdraw the Penalty Charge Notice and serve notice of the decision on the landlord.

(Reason for decision – A Statement of Principles must be prepared and published by the Authority in accordance with the Regulations so that regard can be had to it when determining the level of the penalty charge to be imposed on a particular landlord. Without such a Statement it will not be permissible for the Authority to issue a Penalty Charge Notice for non compliance of remedial notice The Authority will still have a duty to carry out the remedial works.

The delegations sought in the recommendations at Paragraph 1.2 will permit the Head of Environment, Housing and Leisure to have the delegated authority to ensure that Remedial Notices are served and that any remedial works required to be undertaken by the Authority are undertaken by authorised persons.

The penalty charge on non compliant landlords is based on the statement of principles.

The amounts to be included in the Penalty Charges have been considered by the North East Housing Forum to ensure that the local housing authorities show a uniform and consistent approach).

CAB08/06/16 Better Care Fund Update (All Wards)

Cabinet received a report seeking approval for the Authority to enter into an agreement with NHS North Tyneside Clinical Commissioning Group (CCG), under Section 75 of the National Health Service Act 2006, in order to implement the Better Care Fund (BCF) for the financial year 2016/17, through the creation of both a pooled budget and a non-pooled budget.

The BCF had been announced by Government in June 2013. The Government's 2015 Spending Review and Autumn Statement had announced that the Better Care Fund would continue, as a route towards full integration of health and social care by 2020/21.

The BCF was intended to provide the opportunity to transform local services so that people were provided with better integrated care and support. It acted as an enabler to take forward the integration agenda, building upon the work of the North Tyneside Health and Social Care Integration Programme, of which the Authority was a partner.

National guidance, issued by the Department of Health and the Department of Communities and Local Government, recommended that the minimum value of the BCF should be £16.572m. In addition, there was an opportunity for the respective partners to agree a larger fund if they wished. The planned value of the fund for 2016/17 was £16.773m; the £0.201m excess over the prescribed minimum amount would be provided by the CCG.

The 2016/17 BCF plan represented a continuation of the principles of the 2015/16 BCF plan; however, there were differences in the overall size of the Fund; the respective contributions of the Authority and the CCG; and the balance between services commissioned by the Authority and services commissioned by the CCG.

The BCF would benefit the people of North Tyneside by continuing to support:

- extended home care services, including overnight care, to provide a rapid response to a crisis;
- the provision of telecare, aids to independence, and adaptations;
- social work services seven days per week, focussed on facilitating discharge from hospital;
- services to support people at the end of life; and
- services to support people admitted to acute hospitals, who had both mental and physical health conditions.

The Health and Wellbeing Board had considered the draft BCF Narrative Plan on 28 April 2016 and agreed to endorse the general principles of the use of the Better Care Fund and to authorise the Chair of the Health and Wellbeing Board to make any further revisions to the submission before the deadline for submission to NHS England on 3 May 2016.

The following decision options were available for consideration by Cabinet:

Option 1: To authorise the Authority to enter into the BCF Agreement for 2016/17 with the CCG on the terms set out in the report.

Option 2: Not to authorise the Authority to enter into the BCF Agreement, as set out in the report, for 2016/17.

Resolved that (1) the arrangements and progress made by the Authority and the CCG to date, in terms of developing the plan for the use of the Better Care Fund Plan in North Tyneside be noted; and (2) the Head of Health, Education, Care and Safeguarding, in consultation with the Cabinet Member for Adult Social Care, the Cabinet Member for Finance, the Head of Finance, and the Head of Law and Governance, be authorised to enter into the Section 75 Agreement on terms set out in the report and agreed by the Head of Law and Governance.

(Reason for decision – To ensure the Authority is able to meet Government expectations for implementation of a Better Care Fund plan throughout the borough of North Tyneside, to facilitate better, more integrated care).

The Elected Mayor thanked the partners for their attendance and congratulated Mr David Hodgson on being awarded an MBE in the Queen's birthday honours list.

CAB09/06/16 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 Paragraph 3 of Part 1 of Schedule 12A to the Act.

CAB10/06/16 Reprocessing of Recyclable Materials through a Materials Recycling Facility – Selection of Preferred Bidder (Previous Minute CAB117/01/16) (All Wards)

In May 2015 Cabinet had approved the procurement of an alternative service provider to process recyclable material collected by the Authority. Due to volatile market conditions, and interim arrangements agreed with the existing service provider, this procurement had not commenced immediately. In January 2016 it had been reported to Cabinet that due to improved market conditions it was considered then to be prudent and timely to formally begin the procurement exercise.

Following this tender process four tenders had been evaluated by the Joint Project Team comprising officers from North Tyneside and Newcastle councils. The Preferred Bidder had been selected as representing the most economically advantageous tender.

The report sought approval to appoint the preferred bidder and to agree to the process to conclude the procurement exercise.

The results from the evaluation process were set out in a Supplementary Report.

Cabinet considered the following decision options:

Option 1: approve the recommendations at paragraph 1.2 of the report to appoint the preferred bidder identified in the Supplementary Report, whose bid was identified as representing the most economically advantageous tender in the tender evaluation process, as the Authority's Preferred Bidder.

Option 2: not approve the recommendations at paragraph 1.2 of the report. This would mean the current contract would terminate with no replacement provision, and would render the Authority in contravention of the Household Waste Recycling Act 2003 and Waste (England and Wales) Regulations 2011, which required the Authority to undertake the separate collection of recyclable waste.

Option 3: not approve the recommendations at paragraph 1.2 of the report and commence a new procurement exercise. Given the nature of the procurement and the time required for the exercise this would be unattractive to the market therefore the exercise would not achieve best value. It would also leave insufficient time to commission a new service provider meaning that the current contract would terminate with no replacement provision, and render the Authority in contravention of the Household Waste Recycling Act 2003 and Waste (England and Wales) Regulations 2011, which required the Authority to undertake

the separate collection of recyclable waste. North Tyneside Council was the lead authority in the procurement with Newcastle City Council. Newcastle may not agree to a new joint procurement exercise and the benefit of the two authority volume discount available would be lost.

Resolved that (1) Bidder 2 (as identified in Appendix 1 to the main report and Appendix 2 to the Supplementary report), whose bid has been identified as representing the most economically advantageous tender in the tender evaluation process, be appointed as the Authority's Preferred Bidder, subject to the receipt of an appropriate performance bond as required by the tender documents; and
(2) the Head of Environment, Housing and Leisure, in consultation with the Head of Finance and Head of Law and Governance, be authorised to finalise the procurement process and appoint the preferred bidder agreed above as the Authority's contractor as per the agreed specification, subject to appropriate additional funding being identified if the price exceeds current budget provision.

(Reason for decision - Option 1 is recommended as this will provide the best quality and value for money solution. The quality of service officers have worked with Newcastle City Council to develop will be maintained as per the requirement of the Invitation to Tender. This bidder has been assessed as providing the most deliverable, financially robust and low risk solution).

CAB11/06/16 Date and Time of Next Meeting

6.00pm on Monday 11 July 2016

Minutes published on 16 June 2016.

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 23 June 2016.