

Cabinet

10 April 2017

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

In Attendance: O Daniel (Young Mayor)
D Hodgson (Business Sector)
R Layton (North Tyneside JTUC)
Councillors P Earley, A McMullen and M Thirlaway

CAB152/04/17 Apologies

Apologies were received from Councillor E N Darke, A Caldwell (Age UK) and R Layton (North Tyneside Joint Trade Union Committee).

CAB153/04/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

CAB154/04/17 Minutes

Resolved that the Minutes of the meeting held on 13 March 2017 be confirmed and signed by the Chair.

CAB155/04/17 Report of the Young Mayor

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

- The Young Mayor had selected his new Young Cabinet and was looking ahead now to complete their plans.
- The Young Mayor had met with Children's Councillors and intended to go again to a more formal question and answers session.
- The Member of UK Youth Parliament and the Young Mayor had met with the Partnership Director from Engie to discuss how Engie could offer support for their pledges.
- Youth Councillors had voted on the local charity which they wanted to support with a variety of fundraising activities. Depaul young homeless project based in Whitley Bay had received the most votes.
- The Young Cabinet Member for Environment and Young Mayor had attended a Love Your Street meeting and were looking forward to taking part in the project as it developed.
- The Children in Care Council and young people from a variety of other groups had met with Ofsted inspectors as part of the Children's Services inspection.
- Youth Councillors from Wallsend had taken part in the Wallsend Cafe Event held at Churchill Community College. They had discussed health, getting things right early and children and young people's aspirations of the future.
- Members of the Young Cabinet had attended the launch of a new film created by young people who attended Props working in partnership with Big Foots Arts. The film

was about young people's relationship with the police when they were affected by domestic violence.

- The awards presentation for the highest percentage of students voting had taken place in the civic suite.
- Youth Councillors and the Young Mayor had taken part in the Big Beach Clean up.
- The Youth Council had received a presentation from the Sea Shepherd. Youth Councillors were taking the information back to their schools in the hope that the Sea Shepherd would be invited to give a presentation to assemblies.
- Youth Councillors and the Young Mayor had met with the Deputy Chief Executive to discuss the Transport Strategy for North Tyneside. They were pleased to be able to make their views known, as public transport had been highlighted as a very big issue for young people in the borough.
- Auditions had begun for the Young Mayor's Music Festival which was being re-launched as Soundfest.
- Young Cabinet Members had attended a Youth Voice Leadership Development programme in Kent at the weekend.
- The Young Mayor had been selected to take part in a Youth Select Committee for body image. He was pleased to be given this opportunity which was coordinated by British Youth Council and would provide an update at a future meeting.

The Elected Mayor thanked the Young Mayor for the report and suggested that school councils should become involved in the Love Your Street project to look after their local communities.

CAB156/04/17 Report of the Finance Sub-committee – Collection Fund Reporting (All Wards)

Cabinet received a report detailing a recommendation of the Finance Sub-committee in relation to future reporting of the Collection Fund as part of Financial Monitoring to Cabinet.

Councillor A McMullen presented the report on behalf of the Finance Sub-committee.

At its meeting on 22 February 2017, the Finance Sub-committee had considered a report on the current monitoring of the Collection Fund and recommendations for future reporting to Cabinet.

The Sub-committee had noted that the Collection Fund was the statutory name for the ring-fenced account for Council Tax and Business Rates and formed a separate statement in the statutory accounts at the year end.

The Sub-committee was advised of the following key elements of monitoring undertaken throughout the financial year:

- Monthly Statistics completed for both Council Tax and Non-Domestic Rates (NNDR) setting out the position in terms of the debit raised and cash collected. The collection was also monitored as part of the Business Partnership Key Performance Indicators and reported to the Partnership OPB and Senior Leadership Team Corporate Score Card.
- Monthly Review of NNDR position against the NNDR1
- Annual Review of the Council Tax base.

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The Sub-committee was advised to consider making a recommendation to Cabinet in relation to reporting an update on the forecast outturn for Council Tax and Business Rates as part of the Financial Monitoring Report.

The Sub-committee had agreed the following recommendation to be submitted to Cabinet:

- That as part of the Financial Monitoring report to Cabinet for the September position and the outturn position an update is given on the forecast outturn for Council Tax and Business Rates.

Cabinet was asked to consider the recommendation and was required to provide a response to the Finance Sub-committee within two months.

The Cabinet Member for Finance and Resources thanked the Sub Committee for its report.

Resolved that the report of the Finance Sub-committee on future reporting of the Collection Fund as part of Financial Monitoring to Cabinet be noted, and a detailed response to the recommendation be provided at a future Cabinet meeting, no later than June 2017.

(Reason for decision – Cabinet has a statutory duty to respond to the Finance Sub-committee’s recommendations within two months of receiving them).

CAB157/04/17 Report of the Elective Home Education Sub-group (All Wards)

Cabinet received a report detailing the recommendations of the Children, Education and Skills Sub-committee’s study, on behalf of the Overview, Scrutiny and Policy Development Committee, into Elective Home Education (EHE).

Councillor M Thirlaway, Chair of the Elective Home Education Sub-group, presented the report.

At its meeting in July 2016, the Children, Education and Skills Sub-committee had received a report relating to Elective Home Education. Following consideration of the information, Members had expressed concern at the lack of powers held by the local authority to check the quality of education being provided to those children outside of the school setting. At this meeting it had been decided that a sub-group be established to carry out a review in this area during the 2016/17 municipal year.

Following consideration of background information in relation to Elective Home Education, the sub-group had agreed the following remit at the beginning of the study:

- What were the key motivations for parents wanting to home educate their children?
- Is the increased demand on school places impacting on the number of parents that choose to home school?
- Do parents feel supported by the local authority in their choice? Do they require additional assistance?
- Should the government be lobbied to change the law to permit local authorities’ access to elective home educated children?
- To advise the officer team on the authority’s policy statement on home education and what networks could be established to reassure Members that all children being home educated were known about.

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Following discussions with officers, and some consultation with elective home educating parents, the sub-group made eight recommendations.

The recommendations aimed to try and change the powers of local authorities in relation to accessing electively home educated children and also to make some small changes to the way the authority currently engaged with parents to provide more efficient and effective support.

The full report which outlined the key findings, conclusions and recommendations of the review was attached at Appendix 1 to the report.

The Overview, Scrutiny and Policy Development Committee had received the report on 3 April 2017 and had approved the recommendations for submission to Cabinet.

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 Children, Young People and Learning thanked the Sub Group for its report.

Resolved that the report of the Overview, Scrutiny and Policy Development Committee on Elective Home Education be noted, and a detailed response to the recommendations be provided at a future Cabinet meeting, no later than June 2017.

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

CAB158/04/17 Report of the Business Support Sub-group (All Wards)

Cabinet received a report detailing the recommendations of the Economic Prosperity Sub-committee's study, on behalf of the Overview, Scrutiny and Policy Development Committee, into the support for young businesses in North Tyneside.

Councillor P Earley, Chair of the Business Support Sub-group, presented the report.

In September 2016 the Economic Prosperity Sub-committee had approved the appointment of the Business Support Sub-group to:

- a) examine the range of support available to start up businesses;
- b) examine the sustainability of new businesses in their 3rd and 4th years;
- c) consider whether providing extended and enhanced support for businesses in their 3rd and 4th years would reduce the likelihood of businesses failing and consequently have a positive impact on the local economy; and
- d) formulate recommendations as to how existing support might be enhanced or how additional services might be developed to improve the success rate of start up businesses.

Having completed its investigation, the sub group had prepared a report and a series of recommendations. These had been considered by the Economic Prosperity Sub-committee at its meeting on 15 March 2017 when it had agreed to refer the report and the recommendations to the Overview, Scrutiny and Policy Development Committee for consideration.

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The full report which outlined the key findings, conclusions and recommendations of the review was attached at Appendix 1 to the report.

The Overview, Scrutiny and Policy Development Committee had received the report on 3 April 2017 and had approved the recommendations for submission to Cabinet.

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 Deputy Mayor thanked the Sub Group for its report.

Resolved that the report of the Overview, Scrutiny and Policy Development Committee on business support be noted, and a detailed response to the recommendations be provided at a future Cabinet meeting, no later than June 2017.

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

CAB159/04/17 Equality and Diversity Policy (All Wards)

Cabinet considered a report seeking approval of the proposed Equality and Diversity Policy.

Since North Tyneside Council's current Equality and Diversity Policy had been agreed the context within which the Authority operated had changed. In particular:

- More services were commissioned via external organisations or provided through contracts with strategic partners;
- New ways of working had been introduced through the Creating a Brighter Future Programme and implementation of the Target Operating Model; and
- The Marriage (Same Sex Couples) Act 2013 had come into force – enabling same sex couples to marry and changing the definition applied to the marital status characteristic protected under the Equality Act 2010.

It was therefore timely to review and update the existing Equality and Diversity Policy to reflect these developments.

The draft policy, which was appended to the report, sought to ensure that the Authority had clear equality aims as both an employer and a service provider, and that those who provided, commissioned or contracted services were aware of their responsibilities under the Equality Act 2010 and the Public Sector Equality Duty which was provided by the 2010 Act.

The Public Sector Equality Duty meant that when undertaking its functions the Authority must have, and be able to demonstrate, due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who shared a protected characteristic and those who did not.
- Foster good relations between people who shared a protected characteristic and those who did not.

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The draft policy also highlighted that its implementation would be the responsibility of all employees, elected members and everyone who represented the Authority or delivered services on its behalf.

Following initial consultation with the Deputy Mayor and Corporate Equality Group, the draft policy had been circulated to a variety of groups for their consideration. The feedback received had been positive and the suggestions received had resulted in amendments to the draft policy.

The policy would be published on the Authority's intranet and the main Authority website and would be promoted via internal communications. Implementation would be incorporated into the actions identified during the development of the Annual Equality and Diversity Review, which was developed and published every June in accordance with the Public Sector Equality Duty.

Progress would be regularly reported to the Deputy Mayor, Senior Leadership Team and the Corporate Equality Group.

Cabinet considered the following decision options:

Option 1: To approve the proposed Equality and Diversity Policy

Option 2: Not to approve the proposed Equality and Diversity Policy

Option 3: To request changes to the Equality and Diversity Policy, prior to further consideration by Cabinet.

Resolved that the proposed Equality and Diversity Policy, set out in the appendix to the report, be approved.

(Reason for decision - The Authority's approach to equality and diversity underpins all of its key plans and policies. Approval of the recommended option will ensure the Authority has a current equality and diversity policy that reflects both current legislation and the context within which the Authority is operating.)

CAB160/04/17 Report of the Local Government Ombudsman – Adult Social Care Matter (All Wards)

Cabinet received a report of the Local Government Ombudsman (LGO) dated 10 February 2017 finding maladministration causing injustice as a result of the failure of the Authority to keep the complainant, Mrs X, sufficiently informed about what action it was taking in response to her concerns about her mother's care in a care home. The LGO did find that there was no fault by the Authority in its response to Mrs X's complaint about the quality of care provided to her late mother in the care home and that the Authority's safeguarding investigations were found to be sufficiently comprehensive and robust and were conducted in line with the Care Act 2014. However, the Authority had accepted that it should have communicated better about its work with Mrs X.

The Authority had acknowledged this injustice and written to Mrs X to apologise for its poor communication about its safeguarding investigations and ongoing monitoring of the care home, as recommended by the LGO.

Cabinet was requested to note the finding of the report attached at Appendix 1 to the report, its recommendations and actions taken to address the LGO's recommendations.

Resolved that (1) the findings and recommendations of the Local Government

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Ombudsman, as described in the report and set out in Appendix 1 to the report, be noted;
and

(2) the actions taken by the Authority to comply with the recommendations of the LGO's report, as set out in sections 1.5.3 and 1.5.4 of the report, be noted.

(Reason for decision - To comply with the recommendations of the Local Government Ombudsman.)

CAB161/04/17 Date and Time of Next Meeting

4.00pm on Monday 8 May 2017.

The Mayor referred to this being the final Cabinet meeting before the May election, and she thanked everyone for their support.

Minutes published on 13 April 2017.

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 24 April 2017.