

## **Cabinet**

**10 July 2017**

**Present:** N Redfearn (Elected Mayor) (in the Chair)  
Councillors CA Burdis, EN Darke, R Glindon, IR Grayson,  
JLL Harrison, CB Pickard and JJ Stirling

**In Attendance:** O Daniel (Young Mayor)  
K Goldfinch (Business Sector)  
R Layton (North Tyneside JTUC)  
D Drew (Voluntary and Community Sector)  
J Connolly (North Tyneside CCG)

### **CAB16/07/17 Apologies**

Apologies were received from S Scott (Northumbria Police) and A Caldwell (Age UK).

### **CAB17/07/17 Declarations of Interest and Dispensations**

Councillors R Glindon and CB Pickard each declared a registerable personal interest in item 6(k) Evaluation of the North Tyneside Trading Company (Development) Limited scheme at Reed Avenue (Minute CAB30/07/17), as they were both Directors of North Tyneside Trading Company, North Tyneside Trading Company (Consulting) Limited, North Tyneside Trading Company (Development) Limited, North Tyneside Trading Company Aurora Properties (Sales) Limited and North Tyneside Trading Company Aurora Properties (Rental) Limited. A dispensation had been granted to both Councillors Glindon and Pickard in relation to the main Trading Company appointment.

### **CAB18/07/17 Minutes**

**Resolved** that the Minutes of the meeting held on 12 June 2017 be confirmed and signed by the Chair.

### **CAB19/07/17 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 attended the opening of the new YMCA cafe and reception in North Tyneside. He had a tour of the building and heard about the plans for the young people's living accommodation and a new nursery.
- The Music Festival 'Soundfest' at Segedunum had been a success. The winners were 'No Horizon'; a girl band from Marden High School, their prize was to perform at this year's Mouth of the Tyne Festival. There were also audience spot prizes which had been donated. Young people in the audience had evaluated

Soundfest and were complimentary about the performers and the opportunities to take part on the surf simulator, bungee run and Baltic Art workshop.

- Young Cabinet Members and the Young Mayor had attended Langdale Centre on two separate occasions for the re-launch of the 'Mind Your Head' lesson pack. School staff, voluntary sector staff and health professionals had listened to the presentation. The pack was to support young people's emotional wellbeing.
- The UK Youth Parliament Member and Young Mayor had taken part in the Chairs Commendation Awards where many volunteers had been awarded for their commitment to helping others in North Tyneside, some people had volunteered over many years.
- Faye Hunter from George Stephenson High School had received the Young Mayor's Award for volunteering at Rake Lane Hospital, where she had helped out on a number of different wards for more than 18 months.
- The Young Mayor had attended North Tyneside's Transport Forum meeting at North Shields Customer First Centre. It had given people an opportunity to find out what was happening locally with representatives from public transport services. The Young Mayor was encouraged to hear that there were plans to improve the 16 to 18 year offer after the review of services was completed.
- A Young Cabinet Member and students from John Spence had been interviewed by Tyne Tees Television about their involvement in creating a Nutritional Health Resource Pack, Film and App. The clip had been shown on the local news.
- The Young Mayor had attended the Youth Select Committee meeting for Body Image at Westminster last week. Witness testimony was given by leading academics in the study of Appearance Research and Sociology of Gender Education. There was oral evidence from some civil society groups, social media bloggers and a representative from facebook and instagram. A report on the findings and recommendations would be made to Government.
- The Young Mayor was pleased to be invited by the Chair of the Council to attend the Mouth of the Tyne Festival.

The Elected Mayor thanked the Young Mayor for the report and commended him and the Youth Councillors for their hard work.

The Elected Mayor was pleased to hear that the Young Mayor had attended the Transport Forum meeting, especially as transport issues were a key priority for young people. She praised Faye Hunter for the impressive voluntary work carried out at Rake Lane Hospital; and Bethan and students from John Spence for their involvement in creating a Nutrition Health Resources pack.

The Elected Mayor mentioned that 'No Horizon' had been well received at the Mouth of the Tyne festival. She also thanked all officers involved in the Mouth of the Tyne Festival for organising a fantastic festival.

## **CAB20/07/17 2017/18 Financial Management Report to 31 May 2017 (All Wards)**

Cabinet considered the first monitoring report in a new format on the Authority's 2017/18 financial position. It provided an early indication of the expected revenue and capital financial position of the Authority as at 31 March 2018.

The report covered the forecast outturn of the Authority's General Fund and Housing Revenue Account (HRA) revenue budget including management mitigations where issues had been identified; the delivery of 2017/18 approved budget savings plans; an update on the Capital Investment Plan including details of variations and reprogramming that were recommended for approval; and an update and overview of current performance against the policy priorities in the 2016-2019 Our North Tyneside Council Plan as context for the financial position.

The forecast overall pressure for the General Fund Revenue Account was estimated at £8.842m against an approved net budget of £152.360m. This was driven mainly by continued pressure in Health, Education, Care and Safeguarding (HECS) of £7.625m (2016/17 £6.868m). Included in this projection was £2.618m of pressures in Corporate Parenting and Placements and £3.361m in Social Care package provision within Adult Social Care Services, the drivers for these pressures had continued from 2016/17 as outlined in the report, and whilst the 2017/18 budget setting process made provision for many of those pressures, demand pressures had continued into 2017/18.

Negotiations with care providers were at an early stage for 2017/18 in terms of the National Living Wage and at this early point in the year it was not yet possible to be sure that all the savings built into the Creating a Brighter Future Programme could be delivered. All Service Areas had held sessions over the course of May and June 2017 in order to develop further actions to mitigate the financial pressures and it was expected that the out-turn forecast would improve during the year as planned remedial actions began to have an impact on spend and income. The forecast outturn hadn't at this stage taken into account the additional funding for Adult Social Care announced as part of the Spring Budget on 8 March 2017. For 2017/18 this amounted to £4.579m, and work was currently in progress to determine the appropriate application of this funding.

The HRA was forecast to have year-end balances at 31 March 2018 of £4.283m, which was £1.421m higher than budget. The higher than forecast balances were mainly as a result of higher opening balances due to the impact of the previous years' financial performance (£1.339m) but there was also an in-year estimated underspend of £0.082m due to pressure on income of £0.165m offset by, in the main, savings on contingencies and the bad debt provision.

The Annex to the report included an update in respect of work in progress with regard to school funding. There was an increase in the number of schools requesting deficit approval, and ten schools had made requests compared to eight in 2016/17.

The 2017-2020 Investment Plan, adjusted for proposed reprogramming, totalled £199.667m (£97.503m 2017/18) and was detailed in Appendix 1 to the report. The

Annex to the report also set out delivery progress to date, planned delivery for 2017/18, reprogramming and other variations identified through the Investment Programme Governance process.

The report outlined the revenue grants which had been received during April and May 2017

The report also outlined progress against the 2016-2019 Our North Tyneside Plan (Council Plan).

In Adult Social Care the focus remained on providing support which allowed people to live independent lives by providing preventative services and keeping people living at home for as long as possible. There was an increase in short term placements to residential care and reablement in-house provision as a result of a lack of capacity in the local domiciliary care market and this was driving some of the cost pressure within Adult Social Care.

In Children's Services good progress continued to be made on engaging with children in the early years of life to ensure that they were ready for school. Safeguarding vulnerable children and maximising their educational attainment remained key priorities. The recently published Ofsted report following the review of Children's services put the service as joint 8th nationwide of the 136 authorities inspected under the new regime with a "good" rating overall and recognition of an excellent focus on seeking the views of children to shape services.

The levels of looked after children (LAC) and children who required supervision after leaving care continued to generate a significant financial pressure. In year data suggested that the Authority's LAC levels were reducing but there were a wide range of levels of care provided and current demand continued to drive financial pressure in 2017/18. The Authority was forecasting a pressure in corporate parenting and placements. The new model for children had been designed in part to address the financial pressures; more details were set out in the Annex to the report. Although above the England rate, the North Tyneside LAC rate compared favourably with the rate for the North East and with statistical neighbours.

In Housing, the Authority was seeing some impact of welfare reform as the proportion of rent collected had fallen from 97.03% in 2015/16 to a position of 96.6% for 2016/17 which was expected to continue into 2017/18. There was also pressure on void turnarounds from both a housing management and repair perspective with average re-let times in 2016/17 of 38.25 days, substantially increased from 29.39 days in 2015/16. This increase was driven by an increased number of transfers of older people moving from properties they had lived in for many years into the PFI sheltered housing as it had become available as part of the North Tyneside Living PFI Scheme. Often these residents had chosen not to be included in planned improvements in their areas to avoid the disruption to their lives. This had resulted in many of the properties requiring more substantial works than normal to meet the void standards before they could be re-let. The Authority continued to work with Kier to reduce the void turnaround times.

An officer led review of the Investment Plan had led to proposed reprogramming of £22.097m and variations of £0.514m, more details of which were set out in the

Annex to the report. The revised Investment Plan stood at £97.503m for 2017/18 and to the end of May 2017 spend of £2.399m had been incurred.

The Deputy Mayor welcomed the newly formatted report and the performance information provided, which gave context to the financial data.

Cabinet considered the following decision options: either to agree the recommendations as set out in Section 1.2 of the report, or alternatively to disagree with the proposals.

**Resolved** that (1) the forecast budget monitoring position for the General Fund, Housing Revenue Account and Schools' Finance as at 31 May 2017, as set out in the Annex to the report, be noted;  
(2) the receipt of £0.201m new revenue grants be approved;  
(3) the Authority's Investment Plan spend of £2.399m to 31 May 2017 and the financing of the Plan to the end of the year, as set out in the Annex to the report, be noted; and  
(4) the variations of £0.514m and reprogramming of £22.097m within the 2017 - 2020 Investment Plan, as set out in the Annex to the report, be approved.

(Reason for decision - it is important that Cabinet continues to monitor performance against the Budget, especially given the current level of financial pressures faced by the public sector.)

### **CAB21/07/17 Anti Fraud, Corruption and Bribery Policy (All Wards)**

Cabinet received a report which sought approval for a revised Anti Fraud, Corruption and Bribery Policy and Fraud Response Plan for the Authority.

The Authority's current Policy and Plan had been agreed in November 2006. This codified the measures in place throughout the Authority to prevent, deter and detect fraud and corruption. The document had been widely publicised at its inception, with a personal copy provided to every employee of the Authority. The Policy and Plan had now been reviewed by Internal Audit, in conjunction with officers in Finance, Human Resources and Legal Services. The review had sought to ensure that the procedures contained within the Authority's counter fraud plans remained fit for purpose and that its fraud response arrangements continued to be sound.

The Authority had had a high level of compliance with the existing policy and comparatively few frauds had been referred. Where fraud referrals had been received, detailed investigation had been undertaken in accordance with the Policy.

Since publication of the last Policy, legislation had been enacted relating to bribery and local authorities' responsibilities in combating this type of crime. The opportunity had therefore been taken to update the existing sound counter fraud arrangements to include responsibilities relating to potential bribery. The draft Anti Fraud, Corruption and Bribery Policy, attached at Appendix A to the report, now clearly stated the Authority's commitment to preventing fraud, corruption and bribery. It documented measures designed to frustrate any attempted fraudulent act. The accompanying Fraud Response Plan had been updated and detailed how concerns

regarding suspected instances of fraudulent or corrupt acts should be reported and documented the steps to be taken if such an act did occur.

It was proposed that the policy document was again placed on the Authority's internet and intranet sites and was circulated widely across the Authority, with awareness raising undertaken on the content of the document and steps to be followed in the event that an irregularity was identified.

Cabinet considered the following decision options:

Option 1: Approve the draft Anti Fraud, Corruption and Bribery Policy and Fraud Response Plan, in Appendix A to the report.

Option 2: Not approve the draft Anti Fraud, Corruption and Bribery Policy and Fraud Response Plan, in Appendix A to the report.

**Resolved** that the draft Anti Fraud, Corruption and Bribery Policy, and Fraud Response Plan, attached at Appendix A to the report, be approved.

(Reason for decision: Approval of the draft Policy and Fraud Response Plan will allow the Authority to operate in line with best practice and professional guidance, and ensure that the Authority's published guidance on handling suspected fraud and irregularity is up to date and reflects prevailing legislation.)

### **CAB22/07/17 Audit Committee Annual Report (All Wards)**

Cabinet considered the inaugural Audit Committee Annual Report, covering the work performed by the Audit Committee in 2016/17.

The Chartered Institute of Public Finance and Accountancy (CIPFA) viewed audit committees in local government as a key component of each local authority's governance framework. North Tyneside Council had a dedicated Audit Committee, which was independently chaired by Mr Kevin Robinson, with Mr Malcolm Wilkinson as independent deputy Chair.

CIPFA also recommended that the Audit Committee should regularly assess its own effectiveness, and had prepared guidance which Audit Committees could use for this purpose. A review of the Authority's Audit Committee had therefore been led by the Audit Committee Chair in 2015/16, with action to progress the recommendations from that review continuing throughout 2016/17 to date.

One recommendation from Mr Robinson's review was that the Authority would benefit from greater interaction between Audit Committee and Cabinet. The review recommended that an annual report from Audit Committee to Cabinet should be considered, in addition to greater engagement between Audit Committee and Cabinet in development of a work programme for Audit Committee.

The first report from Audit Committee to Cabinet, in line with the recommendations from the Audit Committee review, was attached as Appendix A to the report. Mr Robinson presented the report and summarised the key work undertaken by Audit

Committee in 2016/17. He also reiterated the recommendation that the Audit Committee continued to maintain strong links to the wider organisation particularly to the Senior Leadership Team and to Cabinet.

Cabinet considered the following decision options:

Option 1: Note the Audit Committee Annual Report 2016/17, attached as Appendix A to the report.

Option 2: Not to note the Audit Committee Annual Report 2016/17, attached as Appendix A to the report.

**Resolved** that the Audit Committee Annual Report 2016/17, attached as Appendix A to the report, be noted.

(Reason for decision: Noting the Audit Committee Annual Report 2016/17 will demonstrate that Cabinet has received and considered the outcomes of the Audit Committee's review of its own effectiveness, which is good practice recommended by CIPFA; and will help to ensure that Cabinet is aware of the main governance matters which have been considered by Audit Committee in 2016/17.)

### **CAB23/07/17 School Term and Holiday Dates 2018/19 (All Wards)**

Cabinet received a report seeking approval for the proposed school term and holiday dates for 2018/19.

Regulations required that 380 sessions, being 190 school term days be provided for pupils in each school year. In addition, 5 teacher training days must be identified in the school year; the dates were set at the discretion of the school.

The Deregulation Act 2015 provided for maintained schools to set term dates independently of the local authority; however the relevant provisions of this Act had not as yet come into force. The DfE had advised in September 2015 that this provision would not come into force, and the duty would be retained by Local Authorities. Many schools in North Tyneside were already able to set term dates independently, e.g. due to Trust or Voluntary Aided status, but most schools had indicated that their preference was for a consistent calendar, co-ordinated by the Local Authority.

The proposal had taken consideration of regional principles and the views of Head teachers and neighbouring authorities.

The proposed School Term and Holiday dates for North Tyneside schools 2018/19 were set out in Appendix 1 to the report.

Cabinet considered the following decision options:

Option 1: Approve the proposed calendar detailed in Appendix 1 to the report.

Option 2: Not approve the recommended option and request officers look at alternative arrangements.

**Resolved** that the school term and holiday dates for 2018/19, as set out in Appendix 1 to the report, be approved.

(Reason for decision: The calendar, at Appendix 1 to the report, meets statutory requirements and takes account of national exams and assessments, whilst meeting a number of key consultation preferences. It is in line with proposals in neighbouring authorities.)

### **CAB24/07/17 Education for North Tyneside (Previous Minute 21/07/16)(All Wards)**

Cabinet considered a report outlining progress against the recommendations of the Education Review carried out between October 2013 and January 2015, the current position of education in North Tyneside and the issues and proposed approach in the context of national changes.

North Tyneside has an education system to be proud of. A top performer regionally and nationally, this was a reflection of the hard work done by head teachers and their teams, governing bodies, elected members, Authority staff and the Borough's fantastic children and young people.

Education in England continued to change. A new funding formula was proposed for 2018/19 and the Fostering and Adoption Act passed in 2016 provided the Secretary of State with a power to convert schools judged as "Inadequate" or "Coasting" to academy status.

In November 2016 the Government had published a Green Paper, "Schools that work for everyone." While the policy intention of the Green Paper had been to use incentives to encourage private schools, universities, selective schools and Faith schools to provide more good school places, the headlines had focussed on a suggestion that selection would return and grammar schools expanded. Working with Chairs of Governing Bodies and Head Teachers, the Authority had responded to the consultation in December. The Government had planned to publish its response to the consultation in March but this had been overtaken by the announcement of the General Election.

All of this continued to happen in the local context of the Education Review carried out in North Tyneside. The report considered progress against the recommendations of that review, the current position of education for North Tyneside and the issues and the proposed approach in the context of national changes.

The report outlined in detail three issues:

- An update on the recommendations of the Education Review and progress since it had last been considered by Cabinet in July 2016;
- A summary of the issues for North Tyneside implied by the current position and the national context; and
- A proposal for how the Authority, head teachers, governing bodies and other partners would work together on the key issues



The Cabinet Member for Children, Young People and Learning highlighted some of the key achievements including that the Council delivered the best education outside of London and work in early years and post-16 had paid off with above national average performance across the Borough and some dramatic improvements at Norham High School.

The Authority had worked with partners to deliver four new schools and over 2500 children had moved into high quality accommodation.

Reference was also made to the continued significant financial pressures in the system partly as a consequence of national pressures on funding and costs and particularly as a consequence of surplus places in the secondary system.

The Cabinet Member for Children, Young People and Learning stressed that the Authority was committed to working with schools through this time of change and uncertainty particularly making sure that high standards were maintained and the books were balanced.

Mr Layton, North Tyneside JTUC mentioned that the Union had been relieved that the multi-academy trust plan was not going ahead, and had supported the Cabinet Member for Children, Young People and Learning's letter on this issue.

The Elected Mayor commended staff for their excellent work and was proud of the standard of education in the Borough.

Cabinet considered the following decision options:

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

Option 2: Not approve the recommendations as set out in Section 1.2 of the report and request further work.

**Resolved** that (1) the progress on the recommendations of the Education Review be noted;

(2) the improved position between April 2014 and June 2017 be noted;

(3) the continued financial challenges faced by schools and the joint work to deal with those challenges be noted;

(4) the next set of issues which will be important to the Authority and schools, as outlined in the report, be approved;

(5) the approach being taken to work with schools be approved; and

(6) Cabinet receive further reports as required.

(Reason for decision: It reflects the recommendations agreed by Cabinet as part of the Education Review and the work done with the Elected Mayor, Cabinet Member, Head Teachers and Chairs of Governing Bodies.)

## **CAB25/07/17 Step up to Social Work Regional Programme (All Wards)**

Cabinet considered a report seeking approval for North Tyneside Council to act as the lead authority for the Step up to Social Work Regional Programme in line with the Department for Education (DfE).

In January 2016 the DfE had confirmed its intention to run a fifth cohort of the Step up to Social Work programme, starting in January 2018. All twelve of the North East authorities had submitted a bid to the DfE to take part in cohort 5 by accommodating 41 funded students across the region, with North Tyneside Council acting as the lead authority for the project on behalf of all of the 12 North East Local Authorities. Written confirmation had now received from the DfE that the bid had been successful.

The Programme provided an accelerated entry route into social work for high-achieving graduates and career changers. The Programme was delivered through the development of a bespoke work based 14 month postgraduate diploma programme, delivered by the 12 local authorities working in a regional partnership and contracting with a higher education institution. Award of the diploma enabled candidates to apply for registration as a qualified social worker. The scheme targeted high calibre individuals who already had experience of working with children and young people and who wanted to train as social workers. Evaluation of previous cohorts showed an average 80% conversion rate to social worker posts on completion of the programme and very positive views about the quality of the training.

The Step up to Social Work Programme complimented the DfE's reform programme and its commitment to raising the quality of social work practice, with a particular focus on the practice of child and family social workers undertaking statutory social work. Regionally, the programme helped address and support the recruitment and retention issues facing all authorities within the region as it provided a pipeline of new social workers to the profession. The majority of students from the previous cohort had secured permanent posts within authorities in the region.

As lead authority for the North East region, the Authority would appoint a Project Coordinator to manage the delivery of the Project. The Project Co-ordinator would be supported by a Project Administrator. It had been agreed that Sunderland City Council would provide the Project Administrator. This role would be fulfilled at Sunderland City Council by an internal secondment for the length of the appointment.

Step up to Social Work was funded via a "Social Work Programme Grant Agreement" which was allocated through the Authority, as the lead authority for the North East partnership. To enable the North East partnership to implement the Step up to Social Work programme the DfE would provide funding. A breakdown of the funding and the timescales for implementation were detailed in the report.

The Cabinet Member for Children, Young People and Learning explained that North Tyneside were able to support two places. This was low compared to some other authorities due to capacity issues and North Tyneside already being involved in two

other programmes, which included 14 students, giving a total of 16 students who would be supported in North Tyneside across all of the programmes.

Cabinet considered the following decision options:

Option 1: Approve the implementation of the Programme in accordance with the recommendations as set out in Section 1.2

Option 2: Not approve the recommended option and request officers look at alternative arrangements.

**Resolved** that (1) as lead authority, the funding from the DfE in respect of the Programme submission made on behalf of the 12 local authorities detailed in the report be accepted; and  
(2) the Head of Health, Education, Care and Safeguarding, in consultation with the Head of Law and Governance and the Head of Finance, be authorised to deal with all financial and delivery aspects of the Programme on behalf of the 12 North East local authorities.

(Reason for decision: to enable the Authority to commence implementation of the Programme in line with the Department for Education's Grant Funding Agreement.)

### **CAB26/07/17 Findings of the Ofsted Inspection of Children's Services (All Wards)**

Cabinet considered a report outlining the findings of the Ofsted inspection for the Authority's Children's Services and a review of the effectiveness of the North Tyneside Safeguarding Children's Board undertaken between 27 February 2017 and 23 March 2017 as part of their national inspection programme.

Ofsted had published their findings on 13 June 2017 and had judged the overall effectiveness of children's services in North Tyneside to be 'Good'. This overall judgment was based on the following findings:

- the experiences and progress of children who need help and protection were judged to be 'Good';
- the experiences and progress of children looked after and achieving permanence were judged to be 'Good';
- adoption performance was judged to be 'Good';
- the experiences and progress of care leavers was judged to be 'Outstanding'; and
- leadership, management and governance was judged to be 'Good'.

This placed North Tyneside Council within the top ten performing Children's Services within the country. Within the North East Region, of the ten local authorities to be inspected to date, North Tyneside was the top performing Children's Services.

Ofsted had also judged the overall effectiveness of the North Tyneside Safeguarding Children's Board (NTSCB) to be 'Good'. A comparison with the graded judgments of the 130 other Safeguarding Children's Boards that had been inspected to date by

Ofsted had established that the NTSCB was one of 43 graded 'Good' within the country. Only a third of Boards had been graded 'Good'. Within the North East Region, of the ten Local Safeguarding Children's Boards to be inspected to date, the NTSCB was one of only three graded 'Good'.

The report detailed the background to the inspection; outcome of the inspection; the key findings and formal recommendations in relation to Children's Services and North Tyneside Safeguarding Children's Board.

The Cabinet Member for Children, Young People and Learning thanked officers for their hard work and for achieving positive inspection ratings.

The Cabinet Member for Community Engagement welcomed the report and thanked members of the Children in Care Council for their contribution and for expressing their views to inspectors.

The Elected Mayor congratulated officers for the excellent inspection results and said it was reassuring that this group of children were receiving high quality support.

Cabinet considered the following decision options:

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

Option 2: Not approve the recommendations set out in Section 1.2 of the report, and provide an alternative response to the Report by Ofsted following the Inspection of Children's Services.

**Resolved** that Cabinet note (1) the positive findings of the Ofsted Inspection of the Authority's services for children in need of help and protection, children looked after and care leavers and the review of the effectiveness of the Local Safeguarding Children Board, in particular that children have benefited from high-quality social work and well-coordinated partnership working to improve their lives; (2) the findings of the Ofsted Inspection place the Authority within the top ten performing Children's Services within the country; (3) the finding and commendation by Ofsted that 'improving outcomes for children and young people is at the heart of North Tyneside Council'; and (4) the areas for development identified by Ofsted and the commitment by the Authority Area to address these and to continue to improve and develop services for children and young people, parents and carers.

(Reason for decision: The recommendations support an acknowledgement by Cabinet of the positive findings by Ofsted and the performance of North Tyneside in comparison with other local authorities both regionally and nationally.)

### **CAB27/07/17 Tyne and Wear Archives and Museums Governance 2017-27 (Previous minute CAB83/11/16) (All Wards)**

Cabinet considered a report outlining the progress made towards agreeing new governance arrangements for the Tyne and Wear Archives and Museums (TWAM) amongst the four local authority stakeholders and how they would operate together.

At its meeting on 14 November 2016, Cabinet had authorised further work to develop the new governance arrangements and also approved a one-year extension to the previous joint agreement that expired on 31 May 2017.

A copy of the new agreement which took account of the new governance arrangements was attached as an appendix to the report. It covered a period of 10 years starting on 1 June 2017.

The new governance arrangements recognised that reductions in the funding available from local authorities necessitated radical changes to the way in which the service operated and was governed. The proposed changes were designed to enable the organisation to become less dependent on local authority financial support; to become more entrepreneurial; and generate income to cover a larger proportion of its annual operating costs. The changes were also aimed at demonstrating TWAM's fitness-for-purpose to Arts Council England (ACE), from whom it had recently been awarded National Portfolio Organisation status and financial investment of £15m over the period 2018 – 2022.

The proposed changes included the dissolution, on 31 May 2017, of the Joint Committee that had until then governed the organisation; and the establishment, on 1 June 2017, of a new joint committee arrangement that incorporated a Strategic Board. The Strategic Board would include representatives of the four Tyneside local authorities, the University of Newcastle (owners of Great North Museum: Hancock and the Hatton Gallery) and the private and voluntary sectors

Significant progress had been made in the development and implementation of the proposed governance changes over the last nine months. Although negotiations and the identification and recruitment of Strategic Board members had taken slightly longer than originally anticipated, the proposals were nearing completion.

TWAM had been informed that it had secured total funding of £15,175,480 from ACE for the coming four years. The allocation of the funds was predicated in part on the understanding that the four local authorities, who had supported TWAM for the last four decades, remained committed to the organisation and would continue to operate constructively together for the foreseeable future.

The environment in which TWAM operated would also require local authorities to work collectively if the organisation was to flourish in the future. In addition to challenging economic circumstances, unpredictable consumer behaviour and difficult trading conditions, the transition to the new governance arrangements would inevitably add to the day-to-day stresses on the organisation as the new Board found its feet. Those stresses had been significantly alleviated by the presence and reassurance provided by the local authorities, whose knowledge, experience and commitment had proved invaluable and would continue to do so as TWAM developed new ways of working. Elected Members also had a vital role to play in the safeguarding of publicly owned assets.

Cabinet considered the following decision options:

Option 1: Approve and adopt the new Joint Agreement, attached to the report, which sets out the roles, rights and responsibilities of the four local authorities and how they will operate together, and covers the period 1 June 2017 – 31 May 2027.

Option 2: Not approve the report and request officers to examine alternative options.

**Resolved** that (1) the Joint Agreement in relation to archives and museums which sets out the roles, rights and responsibilities of the four local authorities and how they will operate together, covering the period 1 June 2017 – 31 May 2027, as attached to the report, be approved;

(2) the Head of Environment, Housing and Leisure, in consultation with the Cabinet Member for Leisure, Culture and Tourism, the Head of Law and Governance and the Head of Finance, be authorised to agree the final terms once agreement is reached with all four local authorities; and

(3) the Head of Law and Governance be authorised to enter into all relevant legal agreements in pursuance of the above.

(Reason for decision: The organisation is in a strong position to develop and enhance its entrepreneurial, fundraising and income-generating activities in order to invest the additional resources it generates in new and enhanced facilities, activities, artefacts and customer care. This is important given the organisation's reputation and profile locally, nationally and internationally and, most immediately, its pivotal role in the Great Exhibition of the North in the summer of 2018.)

TWAM's nine venues (including Segedunum, Stephenson Railway Museum) across Tyneside attract 1.4m visitors a year from a broad range of demographics. It has a particularly good reputation for its success in engaging participation and audiences from traditional non-attenders, for its work with disadvantaged, disenfranchised and diverse residents both in museums and galleries and in their own communities, and for the impact of its activities on health and well-being.

The new Joint Agreement will secure the confidence and investment of ACE; provide clarity about the partnership between the four authorities and the way in which they will work together; establish the commitment of the four local authorities to the work of the new Strategic Board and the continued development of TWAM; and enable the organisation to focus on new entrepreneurial activities and income-generation for investment in its programmes, people and audiences.)

### **CAB28/07/17 Public Spaces Protection Orders (All Wards)**

Cabinet considered a report seeking approval to consult on the proposed introduction of Public Spaces Protection Orders under the Anti-Social Behaviour, Crime and Policing Act 2014.

PSPOs could be used to replace existing Orders relating to the consumption of alcohol and dog fouling on public space which, due to the provisions of the 2014 Act, would cease to have effect in October 2017:

In addition to those Orders, there were a number of byelaws made by the Authority in respect of dog lead and dog exclusion areas that would similarly cease to have effect in October 2017. The Authority therefore needed to consider what public space controls it should have in place particularly given that the current controls would cease to have effect.

PSPOs were intended to deal with any particular nuisance or problem having a detrimental effect on the quality of life of those in the community. A PSPO effectively prohibited specified things from being done or required certain things to be done in an area covered by a PSPO whilst ensuring that law-abiding members of the public could use and enjoy that area.

A PSPO could be made by the Authority where there were reasonable grounds to believe that two conditions were met, i.e. that activities carried on in a public place within the Borough have had, or were likely to have, a detrimental effect on the quality of life of those living or working in the locality; and that the effect, or likely effect, of the activities was of a persistent or continuing nature, was such as to make the activities unreasonable and justified the restrictions imposed by the PSPO.

Before making a PSPO the Authority must have undertaken a consultation exercise. PSPOs that were implemented must be reviewed every 3 years but this did not prevent revisiting and updating what was in place during that time. PSPOs were enforceable by means of a Fixed Penalty Notice of up to £100 and these could be issued by officers from the Authority and the Police. Court action could be taken against persons who had not paid the fixed penalty within the requisite period of time for the offence of failing to comply with the terms of the PSPO. A person who failed to comply with a PSPO on conviction could be fined up to £1,000, or in some cases £500.

PSPOs were available to tackle any activity that constituted a nuisance or problem. An internal working group had considered the potential for making of PSPOs and had informally consulted with the Authority's partners and had identified that at this time it was appropriate to consider making the PSPOs relating to alcohol and dog control. The PSPOs were outlined in more detail in the report.

A consultation exercise would take place over a period of six weeks and would include the statutory consultees, namely the Chief Officer of Police, the local police body, community representatives as considered appropriate and owner/occupiers of land within an area covered by a PSPO where it was practicable to do so.

An engagement plan had been developed, and responses would be collated and analysed with recommendations being brought back to a future Cabinet meeting to enable an informed decision to be taken on the implementation of PSPOs.

The Cabinet Member for Community Engagement stressed the importance of consulting widely and explained that engagement would be happening as part of the Community Conversations across the Borough.

Cabinet considered the following decision options:

Option 1: Approve the commencement of the consultation exercise on the proposed making of Public Spaces Protection Orders and receive a further report at Cabinet at the end of the consultation period to consider the making of the Public Spaces Protection Orders.

Option 2: Not approve the commencement of the consultation exercise on the proposed making of Public Spaces Protection Orders and request Officers to examine other options.

**Resolved** that (1) a consultation exercise be undertaken on the proposed making of the Public Spaces Protection Orders as outlined in the report; and (2) a further report be submitted to Cabinet following the conclusion of the consultation exercise to consider the consultation responses and to determine if the Public Spaces Protection Orders should be made.

(Reason for decision: Before making a PSPO the Authority is required to consult on the making of such Orders. The consultation responses will help inform Cabinet on the making, or otherwise, of the PSPOs.)

### **CAB29/07/17 North Tyneside Council Living Wage (All Wards)**

Cabinet received a report seeking approval to pay a North Tyneside Living Wage (NTLW) based on the Living Wage Foundation's current rate of £8.45 per hour.

The Living Wage Campaign was promoted by the Fair Pay Network and called for every worker in the country to earn enough to provide their family with the essentials of life. The minimum Living Wage was £8.45 per hour for areas outside of London. The level of the Living Wage was not enforced under the provisions relating to the National Minimum Wage nor was it part of the National Joint Council for Local Government Services Pay and Terms and Conditions Agreements

The Living Wage had been based on a formula in which the main living cost element was derived from figures determined by the Family Budget Unit (FBU). The FBU calculations, made originally in 1998, were based on lists of essential items in the budget of different types of families. The FBU had noted that based on these calculations the North East had the second lowest budget costs within England, Scotland and Wales. However, there was no regional deviation from the proposed rate of pay other than for inner London.

As part of the budget proposals for 2017/18 it was proposed to introduce the equivalent of the Living Wage Foundation's rate of £8.45 per hour and provision had therefore been made within the budget. It would be known as the North Tyneside Living Wage.

The proposed North Tyneside Living Wage amount of £8.45 fell between spinal column points 12 and 13 of the Authority's pay and grading structure and would therefore affect those on grades 1-3 (SCP's 6-12 inclusive) within the Authority and Schools.



This would be paid as a supplement on an individual's basic hourly rate of pay. It would not change the pay and grading structure of the Authority and would not be paid on any enhanced rates of pay such as shift allowances or voluntary overtime payments. In the future it was likely that decisions on pay awards or changes to the national pay spine would at some point overtake this hourly amount.

The Authority was a residual employer for all employees in Community Schools and Moorbridge Pupil Referral Unit. The North Tyneside Living Wage would be applied in these schools to avoid any equal pay risks arising. The implementation date had been set as September to mitigate costs for this financial year.

As the Authority was not the employer of the staff in other maintained schools within North Tyneside (Learning Trust), there was no equal pay risk present beyond the boundaries of each school. The decision did not affect the other schools in North Tyneside.

A table which showed the current number of Council and all School staff affected on SCPs 6 – 12 was included in the report.

Mr Layton, North Tyneside JTUC, was pleased to hear that the living wage would be implemented in North Tyneside Council.

The Elected Mayor said she was delighted and welcomed this decision as it would make a positive difference to low paid front line staff who were essential to the running of the Council.

Cabinet considered the following decision options:

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

Option 2: Not approve the recommendations set out in Section 1.2 of the report.

**Resolved** that (1) the North Tyneside Living Wage, as outlined in the report, be approved;  
(2) the finance allocated via the budget setting process for 2017/18 be used to enable the implementation of this payment; and  
(3) the Head of Human Resources and Organisational Development, in consultation with the Head of Law and Governance and the Head of Finance, be authorised to take all necessary steps to implement the resolutions above.

(Reason for decision: It aligns to an hourly rate of £8.45 which is recommended by the Living Wage Foundation as the hourly rate of pay a person living in the UK needs to live at a sustainable level and it would also bring the Authority into line with the lowest hourly rate of pay offered by other local authorities within the region.)

### **CAB30/07/17 Evaluation of the North Tyneside Trading Company (Development) Limited Scheme at Reed Avenue (All Wards)**

Cabinet received a report which provided an overview and evaluation of the processes the Development Company followed in relation to the scheme at Reed

Avenue in the Camperdown Ward and offered some examples of lessons learned that could be applied to similar building projects within the Borough.

A business plan for the Development Company to develop 13 new homes on a Brownfield site owned by the Authority at Reed Avenue in the Camperdown Ward had been approved by Cabinet on 14 September 2015.

Following a rigorous procurement process, a contract to build the homes had been awarded to Esh Property Services. The work had been completed on time and under budget with handover to the Development Company taking place in March this year. All properties had been successfully let and the scheme had received positive feedback with regard to the finished homes and the handling of the construction phase by the contractor.

The report provided details of the procurement process; building works and site management; design and quality assurance; lettings policy; tenancy agreements; rents; management, repairs and maintenance and the IT system used to monitor tenancy records for those homes.

As the Development Company's first development, there were a number of lessons learned during the project that may aid future developments. These included:

Procurement – using the procurement process to ensure that bidders recognised the concerns of local residents within their responses and ensured that it formed a significant part of the overall quality score.

Site Management - spending time pre-contract with the contractor to develop a comprehensive site management plan bespoke to the site added value. At Reed Avenue it was appropriate that the contractor held a meeting with local Members to understand their concerns. The management plan had been tailored to include specific items to address concerns of residents living adjacent to the site including health and safety, noise and cleanliness of the streets. This was an approach that would definitely benefit most projects, particularly sites in built-up areas. The use of staged quality assurance records by Esh had been well received by the Employers Agent and would be a good addition to future build projects.

Lettings Policy – Ensuring that a Lettings Policy had flexibility to include local lettings where required was important. It allowed local concerns to be addressed and helped meet housing demand in the locality. This was a tool that could be replicated by the Development Company in other areas.

Tenancy Management – With a small number of homes, the Development Company had asked the Authority to provide a tenancy management service that included regular tenancy visits. The Development Company was also able to hold a set of keys to support the gas servicing process. As the Development Company grew it would be important to try and retain this approach.

The first development of affordable homes by the Development Company had been a success. It was delivered on time and under budget and had helped meet housing

need in the Camperdown Ward. Despite local concerns about the construction, the work had been carried out to a high standard leading to positive feedback.

The lettings and allocations policies and procedures used by the Development Company had worked well and the decision to appoint North Tyneside Council as the managing agent had provided the Development Company with experienced housing management whilst realising cost savings compared to services provided by private property management companies.

In conclusion the report demonstrated that the Development Company could deliver housing schemes on behalf of the Authority and continued to contribute to the delivering 3,000 affordable homes by 2024.

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 recommendations.

**Resolved** that the evaluation of the scheme at Reed Avenue delivered by North Tyneside Trading Company (Development) Limited be noted.

(Reason for decision: to enable Cabinet to note the outcome of the first new build affordable housing development of the Development Company.)

#### **CAB31/07/17 Date and Time of Next Meeting**

6.00pm on Monday 14 August 2017.

#### **Minutes published on 13 July 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 20 July 2017.**