

Cabinet

9 October 2017

Present: Councillor CB Pickard (Deputy Mayor) (in the Chair)
Councillors G Bell, CA Burdis, EN Darke, R Glindon,
IR Grayson, M Hall and JJ Stirling

In Attendance: O Daniel (Young Mayor)
D Hodgson (Business Sector)
J Connolly (North Tyneside Clinical Commissioning
Group)
R Layton (North Tyneside Joint Trade Union Committee)

CAB57/10/17 Apologies

Apologies were received from the Elected Mayor, Councillor JLL Harrison, A Caldwell (Age UK) and S Scott (Northumbria Police).

CAB58/10/17 Declarations of Interest and Dispensations

Councillors R Glindon and CB Pickard each declared a registerable personal interest in item 6(b) Land Adjacent to the former Avenue Public House, Park Avenue/Brook Street, Whitley Bay (Minute CAB62/10/17), 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.

CAB59/10/17 Minutes

Resolved that the Minutes of the meetings held on 11 September and 27 September 2017 be confirmed and signed by the Chair.

CAB60/10/17 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 Greener North Tyneside Board meeting where he had explained his ideas for reusing water bottles; he had also received an update about the tree planting at Old Fenwick Pit.
- The Deputy Young Mayor had helped interview Public Health staff nurses, the post holder would work with children from pre-school to their transition into primary school. The aim of the service was to promote and protect the health and well-being of children, young people and their families from the ante-natal period through to age 19 and address inequalities in outcomes.

- The UK Youth Parliament Member and Young Mayor had been making a film for the Business network event to showcase how important good work experience was for young people.
- The UK Youth Parliament Member and Young Mayor had met the Chair of the Safeguarding Children's Board, Richard Burrows, to look at how they could involve more children and young people in their work.
- The Young Mayor had attended the National Citizens Service (NCS) graduation celebrations at Linskill Centre. 199 young people had been supported to take part in VODA's summer NCS programme, giving over 11,000 hours of their time to set up 14 community projects in North Tyneside
- The Young Mayor had visited Longbenton Air Cadet Squadron 2344.
- Several Youth Councillors from North Tyneside had joined other youth councillors from the North East region and members of UKYP to attend the British Youth Council convention at Tyne Met in Wallsend. They had heard the results of the Make Your Mark ballots and had taken part in the workshops.
- Some information from schools was awaited before announcing the top three issues for young people in North Tyneside following the Make Your Mark consultation.

The Young Mayor referred to various activities in which he and other young councillors were involved during European Youth Democracy week, including:

- The youth council's annual debate where they would be debating three important topics raised by young people in the Borough and would vote for the topic which would become their main campaign for 2018.
- A primary school council event at the Council Offices.
- Question time at Council Offices.
- The State of the Area Event at Langdale Centre where Young Cabinet members and the Young Mayor would be leading on five workshops.

The Deputy Mayor thanked the Young Mayor for his report.

CAB61/10/17 2017/18 Procurement Strategy 2017-2020 (All Wards)

Cabinet received a report seeking approval of the Procurement Strategy 2017-2020.

The Procurement Strategy 2017-20 set the framework in which the Authority would work to ensure that procurement delivered value for money and directly contributed to the achievement of the Authority's corporate priorities.

The Strategy reflected on what had already been achieved with regard to procurement, particularly a number of measures aimed at supporting suppliers (including small and local businesses) which wanted to do business with the Authority. The Strategy also looked ahead, and included an Improvement Plan which highlighted the actions the Authority would take to further improve the procurement approach and evaluate how well the Authority was doing.

The Procurement Strategy had been prepared with the input of a number of key stakeholders; these were listed in the report. Some individual businesses that had

participated in procurements involving evaluation of Social Value criteria had given feedback on improvements the Authority could make to its approach to and use of Social Value in procurement.

The Authority was committed to developing relationships with good employers who reflected the Authority's own values of aspiring, enabling and delivering, and its principles of fairness, transparency and integrity in procurement and supply. To this end the Authority's standard tendering arrangements reflected this and included in the selection questionnaire was a range of questions which looked to identify whether organisations complied with health and safety legislation; equality legislation; employment legislation; requirements within the Modern Slavery Act legislation; and whether they had been convicted of criminal activities such as corruption, fraud or money laundering.

In addition, it was also within the Authority's standard terms of contract that contractors must comply with payment legislation and pay their sub-contractors promptly. Where Social Value was included within procurements, contractors were expected to recognise and identify activity in support of the Authority's revised Social Value Priorities contained in the new Procurement Strategy. These were linked to the 'Our North Tyneside Plan' and the themes within the Authority's Creating a Brighter Future programme. There was also a new template for responding to social value questions – to help suppliers focus on providing the right information easily and effectively to maximise social value outcomes.

Cabinet had recognised that the Authority's considerable spend on goods, works and services could have a major impact on local suppliers and the local economy, and had previously agreed a number of measures aimed at supporting businesses seeking to do business with North Tyneside. These measures were outlined in detail in the report.

There were other initiatives to support local supply which had not been as successful as anticipated (such as the use of 'Quick Quotes', or breaking down contracts into smaller lots). These areas had been included in the Improvement Plan to gain a better understanding as to why these areas had not proceeded as planned.

Feedback on the draft Procurement Strategy had been positive and the majority of comments from stakeholders focused on opportunities for trading with the Authority. Some of the comments received were outlined in the report.

Where areas were already effectively addressed through existing arrangements, such as the Authority's approach to prompt payment, these would continue. Areas for improvement were included in the Improvement Plan within the Strategy.

The Improvement Plan sought to set out in plain English what else would be delivered, to support the Our North Tyneside Plan and to respond to the feedback which had been received. These actions had been grouped into headings suggested by the National Procurement Strategy 2014. A table which highlighted the actions under each heading was set out in the report.

Mr Layton was given assurance that officers would monitor the social value criteria to ensure it was being conformed to, and it was stressed that the Authority viewed social value as important as cost.

Cabinet considered the following decision options:

Option 1- Approve and adopt the new Procurement Strategy for 2017-2020.

Option 2 - Not approve and adopt the new Procurement Strategy for 2017-2020.

Resolved that the Procurement Strategy for 2017-2020, attached as Appendix A to the report, be approved.

(Reason for decision - The Procurement Strategy builds on the foundations already established by Cabinet to support 'business do business with North Tyneside'. It also responds directly to the feedback which has been provided by stakeholders as the Strategy was developed.

The Strategy also recognises the important role of procurement activity in helping to secure optimum value for money as the Authority seeks to deliver within a reduced budget while managing increasing demand.

If Cabinet decides not to approve the Procurement Strategy, then the Authority will not have a clear vision and direction for procurement for the next three years.)

CAB62/10/17 Land Adjacent to the former Avenue Public House, Park Avenue/Brook Street, Whitley Bay (Whitley Bay Ward)

Cabinet considered a report which detailed a representation made in relation to a statutory advertisement to dispose of land at the former Avenue Public House, Park Avenue/Brook Street, Whitley Bay.

The proposed site and adjacent land were currently owned by the Authority and part of the site was deemed to be an area of public open space. Accordingly, the Authority was required to advertise its intention to dispose of the land and formally consider any representations made.

The statutory advertisements had been published as required and the closing date for the receipt of representations was set as 14 September 2017.

One representation had been received from a local resident. Details of the objection and the Authority's officer response were included in the report.

Cabinet considered the following decision options:

Option 1: Set aside the objection received in relation to the disposal of public open space at the former Avenue Public House, Park Avenue/Brook Street, Whitley Bay and allow the disposal of the land to proceed.

Option 2: Uphold the objection, in which case the disposal of the land cannot proceed.

Resolved that the objections received be set aside and approval be given to proceed with the disposal of an area of public open space at former Avenue Public House, Park Avenue/Brook Street, Whitley Bay, as shown on the plan attached as Appendix 1 to the report.

(Reason for decision - If the recommended option is not approved, the proposed development at the site will not be able to proceed as currently planned.)

CAB63/10/17 Community engagement on draft Masterplan proposals for the Strategic Allocation of Killingworth Moor and Murton Gap (Benton, Camperdown, Collingwood, Cullercoats, Killingworth, Monkseaton North, Monkseaton South, St Mary's, Valley Wards)

Cabinet received a report seeking approval to undertake engagement with local communities regarding the draft Killingworth Moor and the Murton Gap Masterplans that had been prepared following the adoption by the Council of the Local Plan.

The independent Inspector had concluded that the Plan was sound and had established in relation to housing delivery the identification of sufficient land to meet the Borough's housing needs, including the strategic housing allocations of Murton Gap and Killingworth Moor and developable brownfield land across the Borough

Specifically in relation to the spatial strategy of the Borough and the identification of the strategic allocations of Murton Gap and Killingworth Moor, the Inspector had noted that the submitted spatial strategy and its identified strategic policy areas provided a sound basis for sustainable development including the two proposed strategic sites.

The allocation of Murton Gap Strategic Allocation was supported by Policies S4.4(a) and S4.4(c) with the Plan; and the allocation of Killingworth Moor Strategic Allocation was supported by Policies S4.4(b) and S4.4(c) within the Plan;

Policy S4.4(a) identified that a strategic allocation was identified at Murton (Sites 35 to 41) to secure the delivery of around 3,000 homes during the plan period in a mix of housing tenures, types and sizes informed by available evidence of the housing needs of the Borough, and convenience retail provision of approximately 1,000m² net.

Policy S4.4(b) identified that a strategic allocation was identified at Killingworth Moor (Sites 22 to 26) to secure the delivery of about 2,000 homes during the plan period in a mix of housing tenures, types and sizes, informed by available evidence of the housing needs of the Borough, convenience retail provision of approximately 500m² net and 17ha of employment land.

The key principles for development of the Murton and Killingworth Moor strategic allocation were illustrated on the Policies Maps through indicative Concept Plans, to be delivered where necessary in accordance with the requirements of the Infrastructure Delivery Plans, and were detailed in the report.

The supporting Concept Plans and wider Local Plan introduced a number of further principles to be delivered through the sites, these were detailed in report.

Policy S4.4(c) included a requirement for any planning application at Killingworth Moor and Murton Gap to be prepared in accordance with a comprehensive Masterplan that had been prepared collaboratively, and agreed, by the relevant development consortia and the Authority. Once adopted the Masterplan for the Strategic Allocation would consequently be a key material consideration in the determination of planning applications. Any proposals submitted for development that were not consistent with the agreed Masterplan would not be considered suitable for approval.

The Development Consortia at Killingworth Moor was comprised of Banks Group, Bellway Homes and Northumberland Estates. The Development Consortia for Murton Gap was comprised of Persimmon Homes, Bellway Homes and Northumberland Estates; North Tyneside Council was also a landowner within the strategic allocation. Since adoption of the Local Plan in July 2017 the Authority had been working with the Development Consortia at Killingworth Moor and Murton Gap on development of Masterplan proposals to ensure the principles of the Local Plan were achieved.

Prior to the Authority reaching agreement on the emerging Masterplans, there was now an opportunity to undertake meaningful engagement with local communities. This would ensure the views of those potentially affected by, and of those that would in future access the open space, transport infrastructure and services provided as part of development of the strategic allocation, could be heard and help shape the development of proposals.

As part of the preparation of the Local Plan, wide ranging engagement on the principle and allocation of the strategic allocations had been undertaken. That engagement had extended over the preparation of three Local Plan documents in November 2013, February 2015 and November 2015.

Engagement on the emerging Masterplans would seek residents' views on the further detail associated with development of the sites and seek constructive engagement to ensure development of the sites made a positive contribution towards the environment, sustainability and wellbeing of surrounding communities and the Borough as a whole.

The consultation was proposed to extend over a four week period from 23 October 2017 to 20 November 2017, and the proposals for engagement were set out in the report.

Following the conclusion of public engagement a review of all the responses received would be undertaken and used to shape the final proposed Killingworth Moor Masterplan and Murton Gap Masterplan. The views of residents and the final proposals would then be presented to Cabinet later in 2017 to enable the Authority to consider its agreement of the Masterplans in accordance with Local Plan Policy S4.4(c). Once the proposed Masterplans were agreed, future planning applications would be required to be consistent with the principles it established.

In the unlikely event that the development of a Masterplan did not proceed on a collaborative basis the Authority would, in order to comply with the requirement within the Local Plan to have a Masterplan, proceed to develop its own.

Any Masterplan developed by the Authority would be subject to public consultation and engagement, and would ultimately have to be adopted as a Supplementary Planning Document by Cabinet.

Cabinet considered the following decision options:

Option 1 – Approve the recommendations as set out in paragraph 1.2 of the report.

Option 2 – Not approve the recommendations in paragraph 1.2 of the report and request the Head of Environment, Leisure and Housing in consultation with the Cabinet Member for Housing and Transport and the Head of Law and Governance to review the proposed adoption version Local Plan.

Resolved that (1) progress made in preparation of draft Masterplan guidance and development proposals for the strategic allocation of Killingworth Moor and Murton Gap, be noted;

(2) the draft Masterplan guidance and development proposals be published for engagement with the local communities affected by the proposals;

(3) the Head of Environment, Housing and Leisure be authorised, in consultation with the Cabinet Member for Housing and Transport, the Cabinet Member for Finance and Resources, the Deputy Mayor and the Head of Law and Governance to agree the final version of documents and publications for the Masterplan proposals for the strategic allocation of Killingworth Moor and Murton Gap to be published for engagement with local communities; and

(4) the final proposed Masterplans and feedback received from the local community be presented to a future Cabinet meeting for agreement by the Authority in accordance with Policy S4.4(c) of the North Tyneside Local Plan 2017.

(Reason for decision:

- The engagement is necessary to ensure the emerging Masterplans can be determined by Cabinet with a sound understanding of the views of residents;
- Preparation of a Masterplan is a key requirement of Local Plan policy;
- Ensuring the agreement of a Masterplan for the Strategic Allocations forms a key step in the effective implementation of the North Tyneside Local Plan;
- Failure to enable preparation of a Masterplan risks delaying or preventing the successful delivery of development at the Strategic Allocations severely impacting the Authority's ability to effectively manage future applications that might be submitted at the sites;
- Delay to the delivery of development at the strategic allocations risks undermining the Authority's supply of housing land, which would severely impact the Authority's ability to effectively resist applications for development elsewhere that are not allocated in the Local Plan.)

CAB64/10/17 Transport for the North (All Wards)

Cabinet received a report seeking approval to the making of Regulations by the Secretary of State to establish Transport for the North (TfN) as a Sub-National Transport Body under section 102J of the Local Transport Act 2008. The consent of the Authority as the Highway Authority for North Tyneside was required because the Regulations contained provisions giving TfN highway powers to be exercised concurrently with the Authority.

To address concerns about transport connectivity across the North of England, Local Transport Authorities and Local Enterprise Partnerships across the North of England had come together in 2014 in partnership with the Department for Transport and the National Transport Agencies to form TfN. Together they had developed an ambitious pan-northern transport strategy to drive economic growth in the North. The purpose of TfN was to transform the transport system of the North of England and the aim of TfN was to plan and deliver the improvements needed to truly connect the region with fast, frequent and reliable transport links, driving economic growth and creating a Northern Powerhouse.

Getting transport right was central to implementing a UK industrial strategy impacting positively on the north of England. A world class transport system linking towns and cities across the North would create a unified economic area, attracting new business, improving productivity in the North and thereby rebalancing the UK economy.

There had been long term underperformance of the Northern economy when compared with other parts of the UK. There was a significant economic performance gap between the North and the rest of the UK economy – a difference in income of £4,800 per person in 2014, compared with the national average, and £22,500 compared with London. Having been on a downward trend since the early 2000s, the gap had widened since the 2008/09 recession.

Productivity accounted for the largest proportion of the ‘performance gap’, driven by underdeveloped skills base, under-investment by the private sector and low enterprise rates. This had worsened since the recession, in part due to out-migration of skilled workers to the southern regions where employment prospects were better.

Poor connectivity was central to understanding the economic challenges of the North. There was disproportionately low investment in the North compared with London and other city regions across Europe. A series of studies had shown how investing in transport infrastructure could unlock the economic potential of the North.

The Independent Economic Review of the Northern Powerhouse showed the scale of the benefits to the UK of closing the productivity gap. Advances in productivity, driven by key sectors of digital technologies, health innovation, energy and advanced manufacturing had the potential to transform the North of England’s economy adding £97 billion and 850,000 jobs by 2050.

The North had had no way of agreeing strategic priorities, with the responsibility for transport divided over many organisations at different geographical levels. This had

made it hard to properly consider and prioritise the right strategic transport interventions to transform economic growth at the regional scale. As a result, the North had been unable to speak with one clearly evidenced voice to Government on its transport priorities in Spending Rounds or rail and road investment plans.

The ambition of TfN over time was to achieve significant devolution of transport responsibilities for the North of England and specifically to:

- a) Develop and deliver a multi-modal, integrated strategic transport plan that drove transformational economic growth in the North;
- b) Set the strategic outcomes, outputs and priorities for the North of England's rail infrastructure and strategic road network; and
- c) Determine specifications and contracts for future rail service franchises in the North of England.

In October 2016 with the agreement of the Constituent Authorities TfN had submitted a proposal to the Secretary of State for Transport that TfN should be established as the first Sub-National Transport Body (STB) under the provisions of section 102E of the Local Transport Act 2008 as amended by the Cities and Local Government Devolution Act 2016. The 19 constituent authorities of the TFN were listed in the report.

The approach was consistent with the North Tyneside Transport Strategy, which provided the framework for the delivery of transport in the borough, and in particular to its theme to improve connectivity, under which the Strategy stated that "our aim was to ensure people were connected to a wide range of opportunities and were able to access them by the most sustainable means, and to ensure our national and international transport links remained competitive with other areas".

A notable benefit to the North East being a part of TfN was the added influence which a Sub-National Transport Body could have with the Department for Transport and the national delivery agencies of Network Rail and Highways England when setting and allocating national infrastructure delivery spending.

The powers and functions requested in the proposal which had been submitted by the Constituent Authorities were listed in the report. In carrying out the functions TfN would act as a Statutory Partner with the Secretary of State and would take devolved responsibilities from the Secretary of State. It would exercise a co-ordinating role in relation to specified transport functions.

The Proposal also contained a number of key provisions, these were outlined in the report.

The Secretary of State had now formally responded to the Proposal and had indicated that he was minded to make Regulations creating TfN as the first Sub-National Transport Body with the following functions:

- a) The preparation of a Northern Transport Strategy;
- b) The provision of advice on the North's priorities, as a Statutory Partner in the Department's investment processes;

- c) The coordination of regional transport activities, (such as smart ticketing), and the co-management of the TransPennine Express and Northern rail franchises through the acquisition of Rail North Ltd.

Regulations had now been drafted which once they were passed would confer on TfN the majority of the functions and powers requested in the Proposal. Before the Secretary of State could make the Regulations he must obtain consent to the making of the Regulations from each of the 19 Constituent Authorities and also consent to the granting of concurrent highway powers from each of the Highway Authorities within TfN's area. The Authorities which were County Councils or Unitary Authorities were Highway Authorities, but the Combined Authorities were not, and in those areas the individual Highway Authorities were being asked to give their consent to the granting of highway powers within the Regulations.

The highway powers which were contained in the Regulations were firstly the powers of the Secretary of State in relation to the construction of trunk roads which may be delegated down to TfN. Secondly the powers under the Highways Act 1980 were conferred on TfN concurrently with the local Highway Authority. These were outlined in more detail in the report.

Regulations 14 and 15 taken together provided that TfN would not be able to exercise any of the highway powers which they held concurrently with the Highway Authorities unless the manner in which it proposed to exercise the function had been approved by each of the Highway Authorities through whose area the highway would pass.

There was no intention that TfN would itself become a Highway Authority and the Regulations made it clear that before these powers may be exercised TfN would need to obtain the express consent of the relevant Highway Authority to the manner in which the powers would be exercised. These powers would therefore only be exercised in circumstances where all the local Highway Authorities considered that there would be a benefit in TfN carrying out the work.

It was intended that before TfN exercised any transport powers or functions it held concurrently with any of the Constituent Authorities or Highways Authorities within the TfN area, TfN would enter into a written Protocol with the Constituent Authorities or the local Highway Authorities covering the way in which the functions would be exercised.

TfN would participate in the Highways North Board which would consist of the Members of TfN along with representatives of the Department for Transport and Highways England. The role of the Board would be to make recommendations in respect of the future Roads Investment Strategy and competitive major roads funding programmes.

Cabinet considered the following decision options:

Option 1: To consent under section 102J of the Local Transport Act 2008 to the making by the Secretary of State of Regulations to establish Transport for the North

as a Sub-National Transport Body and giving Transport for the North concurrent highway functions within the Borough of North Tyneside.

Option 2: Not to consent to the making of Regulations referred to in Option 1 above.

It was noted that the Chair of Council had agreed that the decision on this item was not subject to call-in for the following reason: The consent of the Authority is required by 20 October 2017 at the latest to meet the legislative timescales for the laying and making of the Regulations required to create a Sub National transport Body, Transport for the North. Any delay in the decision being implemented as a result of call-in would result in an inability to lay the Regulations in the timescale necessary to introduce legislation to create a new statutory body, Transport for the North, to represent transport authorities across the northern region.

Resolved that (1) the making of Regulations under section 102J of the Local Transport Act 2008 by the Secretary of State to establish Transport for the North as a Sub-National Transport Body which provides Transport for the North with concurrent highway powers and functions within the Borough of North Tyneside be approved; and

(2) the Chief Executive be authorised to write to the Secretary of State to formally consent to the making of the Regulations referred to in Resolution (1) above.

(Reason for decision - Consent by the Authority, as the Highway Authority for the borough, to the making of the regulations will enable the completion of the process of establishing TfN as a Sub-National Transport Body within the legislative timescales.)

CAB65/10/17 Public Spaces Protection Orders (Previous Minute CAB28/07/17) (All Wards)

Cabinet considered a report on the outcome of the consultation undertaken on proposals to make Public Spaces Protection Orders (PSPOs) and to determine if PSPOs should be introduced.

PSPOs had been introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 and they could be used to replace existing Orders relating to the use of public space for consumption of alcohol and dog fouling.

In addition to these Orders, there were a number of byelaws made by the Authority in respect of dog lead and dog exclusion areas. The Authority therefore needed to consider what public space controls it should have in place given the introduction of PSPOs under the 2014 Act.

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.

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 £500 in relation to the consumption of alcohol contrary to the terms of a PSPO or £1,000 in relation to other types of failure to comply with the terms of a PSPO.

Details of the consultation undertaken were set out in the report. The Authority had received 768 responses to the online questionnaire and a further 14 responses by other means. The responses had been considered with oversight provided by the Cabinet Member for Environment and the Cabinet Member for Community Engagement.

Taking into account the consultation responses, the themes that emerged, and the balance that needed to be struck, the group had concluded the following:

Alcohol: There was considerable support for controls on consuming alcohol when nuisance was caused. It was recommended that the proposed borough-wide PSPO should be introduced.

Dogs - Fouling: There was overwhelming support for controls on dog fouling and not picking up. It was recommended that the proposed borough-wide PSPO should be introduced.

Dogs - Excluded areas: There was majority support for dogs to be excluded from designated play sites at all times and designated beaches (from 1 May – 30 September). It was recommended that the proposed PSPO should be introduced.

Dogs - Leads: The majority disagreed with the extent of designated places where dogs would be required to be kept on a lead. The key concern was the extent to which it applied to parks and playing fields. It was recommended that the PSPO should be introduced but amended to remove parks and playing fields from being designated places at this stage. This issue would be reconsidered again as part of the overall review on the introduction of the PSPOs, which would result in a report to Cabinet in spring 2018 setting out the findings of that review.

In addition, there was majority support for the proposal that dogs be put on a lead in any public space within the borough, which would include parks and playing fields, when directed by a constable or an authorised officer to do so. It was recommended that this PSPO should be introduced.

Fixed Penalty Notice Amount: There was majority support for introducing a Fixed Penalty Notice at the statutory maximum of £100 for breach of a PSPO, with a discount applied of £75 if paid within 14 days. It was recommended that this approach be introduced.

A more detailed summary of the conclusions of the group was provided in Appendix 1 to the report, and the final proposals were illustrated in a table in the report.

It was proposed that the PSPOs would come into force on 20 October 2017. This would provide sufficient time for the PSPOs to be published on the Authority's website and for the erection of notices informing the public that the PSPOs had been made and the effect of the Orders that had been made.

Cabinet considered the following decision options:

Option 1 - To agree to the making of Public Spaces Protection Orders as set out in the report.

Option 2 - Not to agree the making of Public Spaces Protection Orders and request Officers to examine other options.

Resolved that (1) the consultation exercise undertaken on the proposed making of the Public Spaces Protection Orders and the consultation responses, as outlined in this report, be noted;

(2) the making of Public Spaces Protection Orders as set out in section 1.5.7 and Appendices 2, 3 and 4 of the report be approved and such Orders remain in force for 3 years from the making of such Orders;

(3) the Head of Law and Governance be authorised, in consultation with the Head of Environment, Housing and Leisure, to correct any minor drafting errors that may be identified, and make minor amendments including deletions and insertions that may be necessary to ensure the Public Space Protection Orders reflect the intentions of Cabinet as set out in the report;

(4) the Fixed Penalty Notice amounts outlined in section 1.5.6 of the report be approved; and the Head of Environment, Housing and Leisure be authorised, in consultation with the Cabinet Member for Environment, the Head of Law and Governance and the Head of Finance, to periodically review and set the amount relating to these Public Space Protection Orders in accordance with legislation;

(5) the Head of Law and Governance be authorised, in consultation with the Head of Environment, Housing and Leisure, to make the Public Space Protection Orders proposed in the report subject to the correction of any minor amendments in accordance with Resolution (3) above and to undertake all ancillary matters associated with this Resolution;

(6) it be noted that the Head of Environment Housing and Leisure has delegated authority under EHL99 of the Officer Delegation Scheme to discharge all functions under the Anti-Social Behaviour, Crime and Policing Act 2014 which includes the enforcement of Public Space Protection Orders; and

(7) a review of the impact of the Public Space Protection Orders be undertaken and a report be presented to Cabinet in Spring 2018, following the conclusion of such a review.

(Reason for decision - The Authority has the power to introduce Public Space Protection Orders (PSPOs) under the Anti-Social Behaviour, Crime and Policing Act 2014 if it reasonably believes the criteria are met as outlined in section 1.5.2 of the report. Cabinet considered proposals at its meeting on 10 July 2017 and agreed that a consultation exercise should be undertaken, which is a statutory requirement. The

report outlines the outcome of that consultation exercise and recommends that PSPOs should be introduced.)

CAB66/10/17 A New Approach to Tackling Environmental Crime (All Wards)

Cabinet considered a report seeking approval to make the policy changes required to be compliant with the Public Spaces Protection Order legislation and introduce a revised approach to tackling environment crime.

Tackling environmental crime in the borough was a key policy priority. In the 2016 Resident's Survey 46% of residents had highlighted a clean environment as being most important to them.

Whilst a number of successful actions had already been taken against perpetrators, environmental crimes continued to present a challenge. It was therefore important that the Authority constantly reviewed its approach to enforcement to deal robustly with offenders.

The current fixed penalty policy had been adopted in 2001 but because of subsequent legislative changes it was now out of date and in need of refresh.

The proposed changes in the report incorporated legislative changes. Of particular note was the introduction of Public Spaces Protection Orders and fixed penalty notice level under the Anti-Social Behaviour, Crime and Policing Act 2014.

The Authority had a number of legislative powers that enabled it to tackle environmental crime through enforcement which included fixed penalty notices.

The Anti-social Behaviour, Crime and Policing Act 2014 (the 2014 Act) had introduced Community Protection Notices (CPNs). The purpose of a CPN was to stop an individual aged 16 or over or body unreasonably committing anti-social behaviour, which had a detrimental effect of a persistent or continuing nature on the quality of life of those in the locality. CPNs could be issued to tackle anti-social behaviour which included neighbourhood nuisance such as noise, rubbish, or waste from commercial premises that has been disposed of inappropriately, waste in back lanes and back yards, etc.

Failure to comply with a CPN was a criminal offence. As an alternative to prosecuting an individual who had failed to comply with the requirements of a CPN, a Fixed Penalty Notice (FPN) could be issued to that individual. The 2014 Act stated that the Fixed Penalty must be no more than £100. Failure to pay the Fixed Notice by an individual made them liable to prosecution for the offence of failing to comply with the CPN. On conviction of this offence, an individual was liable to a fine of up to £2,500, or in the case of a body an unlimited fine.

The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 had come into effect in May 2016. These Regulations had introduced new FPN provisions for the offence of fly-tipping as an alternative to prosecution. The Fixed Penalty payable under such a notice was an amount of not less than £150 and not more than £400.

The Deregulation Act 2015 had introduced section 46A of the Environmental Protection Act 1990 (EPA) and the concept of written warnings and FPNs being issued to residents who failed to dispose of waste as specified by their local authority. Such an approach was an alternative to prosecution under section 46 of the EPA. Section 46B of the EPA stated that the amount of the Fixed Penalty, if not specified by the Authority, would be £60.00. Non payment of the Fixed Penalty would be recoverable as a civil debt.

The EPA provided for the enforcement of the legislation by the use of written warnings and FPNs for littering offences; fly tipping; business breach of duty of care arrangements in place with a registered waste carrier to collect their waste; business failure to comply with requirements to place waste in receptacles for collection; and resident failure to comply with requirements to place residential waste in receptacles for collection as specified by the local authority.

The Authority currently did not issue FPNs for fly tipping; failure to produce waste carrier's licence; failure to provide waste documents; and offences related to waste receptacles although enforcement action was taken where considered appropriate by way of prosecution:

Some of the legislation provided for two amounts of Fixed Penalty to be included in the Notices and for the Notice to specify that, if the lower amount was paid within a period of less than 14 days of the Notice being issued, that the lower amount was the amount of the Fixed Penalty. If however payment was made on or after the 14th day of the issue of the Notice, the higher amount of Fixed Penalty must be paid.

The Authority took a multi-pronged approach to tackling environmental crime which included education, campaigns and enforcement.

There were also a number of frontline workers across Environment, Housing and Leisure who had delegated powers to issue Fixed Penalty Notices. However this was not the main purpose of their role and therefore not the main focus of their activities.

As part a proposed new approach, work across teams would take place to ensure a more focussed priority was given to tackle issues of environmental crime.

Current performance showed that the Authority carried out a number of successful actions in relation to environmental crime, more detailed information was provided in the report.

The current FPN policy had been adopted in April 2001. As a result of subsequent legislative changes it was no longer fit for purpose.

Once an FPN had been issued and paid within the requisite period of time set in legislation, namely no less than 14 days, the Authority could not prosecute for the original offence. For this reason the period for which any lesser Fixed Penalty could be offered must be no less than 14 days. Where a Fixed Penalty was not paid within the specific time limit (usually 14 days) then the case would be considered for prosecution.

Under the Environmental Protection Act 1990 there was no right of appeal against the majority of FPNs issued under the EPA, other than via the courts or first-tier tribunal. It was proposed that officers would investigate introducing an informal representation process allowing customers the opportunity to provide mitigation in writing for consideration so a decision could be made as to whether the FPN should stand. Such a process would, of course, not interfere with an individual's right to appeal against a Notice to the court or the first-tier tribunal.

With the proposed introduction of the Public Space Protection Orders in October this year, the Authority would be expanding powers across other areas, and reviewing this with the Capita Civil Enforcement Team and Streetworks Inspectors. The following measures were therefore proposed:

- Increase the amount for fixed penalty notices with higher level Fixed Penalties and discounts for early payments as detailed in Appendix 1 (Some Fixed Penalty amounts are already fixed by legislation or must be set within a prescribed band).
- Trial more visible and larger capacity litter bins at Tynemouth Longsands, encouraging optimal use in relation to the disposal of litter and dog waste. Options are currently being considered and proposals include bright and bold coloured containers with beach themed stickers.
- Introduce new signage across the borough should Public Space Protection Orders be introduced.
- Create a new 'litter and dog fouling enforcement' camera controlled vehicle.
- Introduce a responsible dog ownership initiative involving dog owners.
- In line with the proposed introduction of the Public Space Protection Orders expand fixed penalty notice powers across other teams, including; the Capita Civil Enforcement Team and Streetworks Inspectors.

Cabinet considered the following decision options:

Option 1 – To agree the recommendations, as set out in paragraph 1.2 of the report.

Option 2 – To agree the recommendations subject to changes in specific aspects of the FPN structure, in which case those agreed elements would be incorporated into the new FPN structure and implemented.

Option 3 - Refer back to officers for further consideration of specific issue(s).

Option 4 - Reject the proposed FPN structure and leave the current system in place.

Resolved that (1) the proposed Fixed Penalty Notice (FPN) fee structure, set out in Appendix 1 to the report, be approved;

(2) the Head of Environment, Housing and Leisure be authorised, in consultation with Cabinet Member for Environment, the Head of Law and Governance and the Head of Finance, to set future Fixed Penalty levels relating to environmental matters in accordance with legislation; and

(3) the actions set out in 1.5.6 of the report, be approved.

(Reason for decision - Introducing a new FPN structure would improve the Authority's enforcement functions, including providing the Authority with the ability to set Fixed Penalty levels that demonstrate a determination to tackle enforcement

issues. In particular, tools and powers will be made available that will enhance the way that the Authority tackles environmental crime.)

CAB67/10/17 Swans Centre for Innovation Phase 2, Demolition and Quay Infrastructure – Grant Submissions and Procurement (All Wards)

Cabinet considered a report seeking approval to submit three Business Cases for Local Growth Fund (LGF) grant, also to appoint contractors to undertake office refurbishment (Swans Centre for Innovation – Phase 2), demolitions and quay infrastructure works at the Swans Offshore Energy Park.

The Authority had secured funding of £8m LGF grant from North East Local Enterprise Partnership (NELEP) in 2015 to infill the wet berth to provide additional development land.

In 2016 a wet berth infill feasibility study and cost plan had been completed. The cost plan identified that a budget of at least £11m would be required to infill the wet berth. Given that offshore energy and subsea businesses were advising of a need for improved quay facilities such as strengthening of quay decks, provision of laydown areas and completion of demolition at the site discussions had begun with NELEP about deferring infilling of the wet berth and redirecting the LGF funds towards improved quay infrastructure and enabling works.

NELEP had invited the Authority to submit an Expression of Interest (EoI) to invest the remaining LGF allocation of £7.843 million in quay infrastructure and demolitions.

An EoI had been submitted and discussed at three NELEP Technical Steering Group (TSG) meetings when it had been suggested that the Authority may also wish to apply for funding to refurbish the upper floors of the Swans Centre for Innovation (CFI). The EoI had been accepted by NELEP's TSG on 24 November 2016 and a full Business Case requested to invest the remaining LGF allocation in the Swans site to cover four projects.

The Business Case had been submitted in January 2017 and discussions had then proceeded with NELEP about securing funding in two stages with Stage 1 largely being feasibility and Stage 2 being physical works.

The Business Case had been considered by the North East Combined Authority's (NECA) North East Leadership Board on 21 March 2017 and then by NELEP Board on 23 March 2017 who had conditionally approved LGF funding of £1.260m split across the four projects. A table detailing the projects and funding was included in the report.

The NELEP Board had also resolved "That a final business case be submitted for Stage 2 funding when robust cost plans were available and Council matched budgets were approved" and also that a site investment plan was provided showing how "...all essential infrastructure requirements over the next 3-4 years were to be delivered and funded, including any indicative future EZ Business Rate Growth Investment funding requests."

After the NELEP and NECA Board meetings in March 2017, NELEP had requested an updated Business Case with new State Aid advice. The State Aid advice from Counsel was that four individual Business Cases (rather than one Business Case) should be developed as they were distinct investments in State Aid terms. This advice had been accepted and four Business Cases had been submitted and four Grant Funding Agreements concluded.

The procurement of the projects subject to this report needed to comply with the Authority's own contract standing orders, contracts, procurement law, and the requirements of the funder. It was also critical that the work was commissioned and delivered quickly, given the deadlines associated with the Enterprise Zone status and the commercial needs for the site.

A full review of the delivery options had been undertaken including the Kier North Tyneside Joint Venture, existing public sector frameworks to which the Authority had access, and the option to go to the market. The funder had made it clear, via the LGF Grant Agreements, that the current Joint Venture did not meet the criteria as they required some form of recent competitively tendered evidence to ensure value for money.

However, the funder was supportive of the use of existing SCAPE and NEPO frameworks. Kier Group had access to both Scape, through the Minor Works Framework, and they were also on the NEPO Construction Framework.

The use of recently procured Frameworks would allow a faster route to market and to development on site. The four areas of work within the overall programme and how it was proposed they were handled, were detailed within the report.

Cabinet considered the following decision options:

Option 1 - To approve all of the recommendations as set out in paragraph 1.2 of the report;

Option 2 – To approve some of the recommendations as set out in paragraph 1.2 of the report;

Option 3 – Not to approve any of the recommendations and request officers to consider other options.

Resolved that (1) the Head of Business and Economic Development be authorised, in consultation with the Head of Finance and Head of Law and Governance, to (a) submit the Swans Quay Infrastructure Works Business Case for LGF grant to the North East Local Enterprise Partnership; and (b) use appropriate existing procurement frameworks to identify a contractor to complete the works on the Swans Quay Infrastructure Works project;

(2) the Head of Business and Economic Development be authorised, in consultation with the Head of Finance and Head of Law and Governance, to (a) submit the Swans CFI Phase 2 Business Case for LGF grant to the North East Local Enterprise Partnership; and (b) use appropriate existing procurement frameworks to identify a contractor to complete the works on the Swans CFI Phase 2 project;

(3) the Head of Business and Economic Development be authorised, in consultation with the Head of Finance and Head of Law and Governance, to (a) submit the

Swans South Block Demolition (CFI Phase 3) Business Case for LGF grant to the North East Local Enterprise Partnership; and (b) use appropriate existing procurement frameworks to identify a contractor to complete the works on the Swans South Block Demolition (CFI Phase 3) project;

(4) the Head of Business and Economic Development be authorised, in consultation with the Head of Finance and the Head of Law and Governance, to use appropriate existing frameworks to procure and appoint a main contractor to undertake the works at Swans Plot 6 Basement Demolition as detailed in the funding application; and (5) a further report be submitted in relation to Resolutions (1)-(3), which will outline the results of the procurement processes and funding bids and which will seek approval to accept offers of funding and appoint contractors as appropriate.

(Reason for decision - CFI Phase 2 refurbishment will enable the Authority to build on the success of CFI Phase 1, which is now over 90% let (with only one small office available), and meet the demand from businesses with growth ambitions for larger floorplates.

The CFI Phase 3 demolition work will create sites for development and the quay strengthening and infrastructure will assist businesses currently using the quay to compete for more work and enable new businesses to be attracted to the Swans site. It allows discussions to progress on the detailed design of the Quay Works with early contractor involvement to identify value for money savings and ensures that, once the LGF Business Cases have been determined by NELEP, design and construction work can proceed in accordance with NELEP's timetable.

If Cabinet does not approve the submission of any of the Business cases there is a risk that the LGF Grant will not be secured and the necessary extension to the CFI, demolitions and quay strengthening and infrastructure work is delayed while alternative funding sources are investigated. This would result in loss of income from quay load outs and laydown, an inability to respond positively to inward investment and expansion enquiries from local, national and international businesses and negative reputational impact for the Authority. If the procurement of the works for Plot 6 Basement Demolition is not approved then it is likely that the LGF funding allocation will be clawed back.)

CAB68/10/17 Date and Time of Next Meetings

Monday 13 November 2017 at 4.00pm (Ordinary Meeting)

Minutes published on 12 October 2017.

With the exception of Minute CAB64/10/17, 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 19 October 2017.

The decisions contained in Minute CAB64/10/17 are not subject to call-in and may be implemented immediately.