

Cabinet

9 April 2018

Present: N Redfearn (Elected Mayor) (in the Chair)
Councillors G Bell, C Burdis, EN Darke, R Glindon,
IR Grayson, M Hall, JLL Harrison, CB Pickard and
JJ Stirling

In Attendance: P Arnold (Young Mayor)
A Paradis (North Tyneside Clinical Commissioning Group)
P Ruddick (Business Sector)
R Layton (North Tyneside Joint Trade Union Committee)
Councillor M Thirlaway

CAB158/04/18 Apologies

Apologies were received from A Caldwell (Age UK).

CAB159/04/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

CAB160/04/18 Minutes

Resolved that the Minutes of the meetings held on 12 March 2018 (Ordinary meeting) and 19 March 2018 (Extraordinary meeting) be confirmed and signed by the Chair.

CAB161/04/18 Report of the Young Mayor

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

- The Young Mayor had taken part in the final of the schools netball tournament.
- A combined total of over 14,500 votes had been cast for Young Mayor and Member of Youth Parliament elections.
- Abbie Armstrong, a student at St Thomas More RC Academy, had been elected Member of UK Youth Parliament.
- The Young Mayor had confirmed her Young Cabinet, helped by the previous Young Mayors Kieran and Abbie in the selection process.
- Last year £800 had been raised for De Paul's Homeless Youth Project which would go towards helping the project in Whitley Bay.
- The Youth Council had voted on which charity they would like to support over this coming year. The charity receiving most votes was The Bay Foodbank and fundraising would begin over the coming months.
- A number of Youth Councillors had attended the Suffrage Centenary celebration event organised by North Tyneside's Women's Voice Group. They were involved in the planning, creating and performing a piece of drama, and led on the debates.

- The Young Mayor and young cabinet had been involved in developing refill reuse leaflets for 2,000 runners and planned to use the discarded water bottles to create a greenhouse with the help of Meadow Well connected.
- North Tyneside Transport Forum had been attended by Abbie, she was keen to influence the meetings and give a young person's perspective of using the transport services.
- The Young Mayor had attended the schools swimming gala at Tynemouth Pool and enjoyed giving out medals to the winners.
- Much interest had been received from schools for the Pen to Paper revision guide developed by the North Tyneside's Youth Council. Requests for the guide came from the years 10 and 11 students.

The Young Mayor's pledges were to improve access to beaches, including for people with disabilities; to increase support for the homeless community through work with schools and businesses; and to campaign to improve happiness and teen mental health in schools.

The Young Mayor explained that the Member of UK Youth Parliament would work towards achieving a curriculum for life, which included sex and relationships; health; finance and politics which was essential to the votes at 16 Campaign. She would work towards promoting cheaper fares for public transport users, and making transport more accessible to all and would campaign towards challenging discrimination of those in the LGBT+ community, focusing on the issue of bullying.

The Young Mayor had chaired two Youth Council meetings, and had welcomed new members to the group. There was now a large representation of young people from the Young Carers Centre.

The Elected Mayor thanked the Young Mayor for her report.

CAB162/04/18 Report of the Transition Sub-Group (All Wards)

Cabinet received a report detailing the recommendations of the Transition Sub-group's review, on behalf of the Overview, Scrutiny and Policy Development Committee.

Councillor M Thirlaway presented the report on behalf of the Transition Sub-group.

At its meeting on 23 January 2017, the Children, Education and Skills Sub-committee had agreed that a sub-group should be established to examine the process undertaken by both Adult Services and Children Services when a child with special education needs and/or a disability (SEND) transfers to Adult Services at age 18.

The remit of the sub-group was to find any gaps in provision or knowledge or processes which could disrupt a smooth transition and cause the experience for the young person and their families to be an unhappy one and then make recommendations to improve the experience. Key questions to be answered included were:

- What is the current process?
- If, after statutory duties are met, are there any gaps in provision?

- Is the current process fit for purpose?

The sub-group had met on a number of occasions to receive information and discuss their findings and also met with officers from the Health, Education, Care and Safeguarding Service. To gain an understanding of the service from outside the Authority the sub group had also met with parents, representatives from the Clinical Commissioning Group and sought the opinion of young people who had been through the process.

Following discussions with officers, the sub-group had made eleven recommendations. The full report, which outlined the key findings, conclusions and recommendations of the review, was attached at Appendix 1 to the report.

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

The Cabinet Members for Young People and Learning and Adult Social Care thanked Councillor Thirlaway and the sub-group for the report and said the recommendations would be used to help strengthen the service.

The Elected Mayor thanked the sub-group and everyone who had contributed to the report.

Resolved that the report of the Overview, Scrutiny and Policy Development Committee on the Transition Process for Young People with SEND from Children to Adult Services in North Tyneside be noted, and a detailed response to the recommendations be provided at a future Cabinet meeting, no later than June 2018.

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

CAB163/04/18 North Tyneside Surface Water and Drainage Partnership Annual Update (All Wards)

Cabinet considered a report on the annual update of the North Tyneside Surface Water and Drainage Partnership.

The establishment of the Partnership had been approved by Cabinet to progress work identified by the Flooding Task and Finish Group which had itself been set up following the flooding events in 2012.

The Partnership had met quarterly over the last 12 months and during the course of those meetings it had coordinated the Authority's involvement in the following areas:

- the Killingworth and Longbenton Sustainable Surface Drainage Project, for which works were progressing well on the partnership project between the Authority, Northumbrian Water and The Environment Agency;

- Progression of the Flood Risk Implementation Plan, overseeing the planned improvements and progression of schemes and the works;
- the work being carried out around community preparedness including ongoing communications and regular engagement with the wider community, key stakeholders and community flood wardens; and
- the Flood Alleviation spend.

The following work had been delivered since the last update report to Cabinet:

- Fairfield Green, Monkseaton – Completion of a major scheme in Murton Gap to reduce the risk of flooding to nearby homes. The £1 million scheme involved installing large dry storage basins and a new ditch system.
- Shiremoor and Wellfield – Completion of a major scheme in fields between Shiremoor and Wellfield. The £500,000 scheme involved the creation of a large holding pond to hold back surface water upstream of homes in Wellfield.
- Oak Grove, Wallsend – Installation of property level protection (watertight doors, etc) to residential properties at risk from flooding.
- Killingworth and Longbenton Sustainable Drainage Project – Completion of phase 1 (watercourse diversion through Longbenton High School) and phase 2 (upstream storage areas at Killingworth Moor). Phase 3, the re-routing of drainage from Killingworth Lake and construction of a large storage basin at the south bank, would commence this summer. The total value of the project was around £6 million.
- Briar Vale, Monkseaton – further development of a major flood risk reduction scheme which was expected to be completed in summer 2018.

The Elected Mayor thanked the Cabinet Member for Housing and Transport and everyone involved in the successful delivery of the project during the last 12 months.

Resolved that the North Tyneside Surface Water and Drainage Partnership Annual Update, be noted.

CAB164/04/18 Delivering the Affordable Homes Programme (All Wards)

Cabinet considered a report outlining the progress achieved during 2017/18 in delivering new affordable homes and the anticipated delivery for 2018/19 together with the indicative affordable homes delivery programme through to 2024.

Significant progress had been made in 2017/18 with 280 new affordable homes being delivered by 31 March 2018. Plans had also been developed for future years within the programme with a number of schemes starting on site to work towards delivering a further 250 homes in 2018/19.

A full delivery schedule for 2017/18 was provided in Appendix 1 to the report.

The 280 new homes had been delivered through the following workstreams:

At its meeting of 14 March 2016, Cabinet had approved an indicative 4-year Housing Growth Delivery Programme 2016-2020 to deliver new homes. The Authority, through the Housing Revenue Account, had delivered 6 new build Council homes in 2017/18 and began work on a range of schemes to provide much needed affordable homes. Details of the work this year included:

Chapelville Bungalows (Weetslade Ward) - The Authority had successfully delivered 6 new General Needs bungalows on the site of the former Chapelville Sheltered housing scheme

Dudley and Weetslade Social Club (Weetslade Ward) - The acquisition of the former club site had been completed in September 2015 and the original buildings demolished. On the 14 March 2016, Cabinet had agreed to the site being developed for affordable homes through the Authorities Housing Revenue Account.

The development consisted of two 3 bedroomed houses, eight 2 bedroomed houses, five 1 bedroomed apartments and five 2 bedroomed apartments. This corresponded to a Housing Community Needs Assessment for the area and would be completed in May 2018.

Perth Gardens, Howdon (Former Care Call Office Accommodation) - Cabinet had given approval in October 2013 for the exploration of future options for the Perth Gardens building following completion of the Accommodation Review. The building was now vacated and work was well underway to bring back a building that was surplus to requirements into use as 6 affordable homes.

Modular housing pilot - The Authority had begun to explore the potential of modular homes constructed off-site, to understand the potential benefits in relation to speed of delivery, quality of build and the potential to reduce maintenance costs in the future. The pilot project would also support the Authority's ambition to reduce the use of carbon and meet the highest efficiency and environmental standards.

Work had begun in 2017/18 to look at the feasibility of a small pilot project to deliver four homes for affordable rent using off-site construction, with a report being brought back to Cabinet in 2018/19.

North Tyneside Living Project - This project had seen a complete transformation of the Authority's provision of sheltered accommodation. The project included the refurbishment of 582 sheltered homes with 342 new build homes delivered across 26 schemes across the borough. The scheme had been nationally recognised with exceptionally high levels of satisfaction from the residents.

In line with the Authority's Housing Strategy, the Authority continued to work with Private Landlords and the National Landlord Association to focus on bringing empty homes back into use, where possible as affordable homes.

In 2017/18, under the Repair to Manage scheme, the Authority had completed work on two long-term empty properties in Wallsend and Burradon to bring them up to a

decent homes standard. The Authority would retain management of the properties until all investment was re-paid. A further three properties had been identified for delivery early in 2018/19 subject to funding approval.

The Authority continued to work closely with Registered Providers to identify opportunities to meet housing need in the Borough. As part of the Homes England Affordable Homes Programme 2015-18 North Tyneside Council had been successful in securing £7.2 million worth of grant funding to support the development of 300 affordable homes in the Borough.

Registered Providers would have delivered 81 new affordable homes across North Tyneside within the financial year 2017/18. These included a mix of affordable rented properties and shared ownership schemes designed to help people onto the property ladder. A full list of schemes delivered by the Registered Providers was detailed in Appendix 1 to the report.

Delivering affordable housing through planning obligations was central to meeting the need for affordable housing in the Borough. Through contributions secured pursuant to Section 106 of the Town and Country Planning Act 1991, the Authority had successfully secured 25% affordable housing on relevant sites (developments with 11 or more units). In 2017/18, a total of 145 new homes had been delivered across North Tyneside by developers through this route.

North Tyneside Trading Company (Development) Limited's first property development scheme was at Reed Avenue which had been completed in March 2017. In 2017/18, the Company had adopted a purchasing strategy to increase the pace of delivering affordable homes. This year, the Company had successfully acquired 9 new homes from the open market to be let at an affordable rent bringing their total stock to 22 homes. The Company had had no voids or rent arrears during the year.

These homes were spread across the borough and purchased in line with the Affordable Housing Needs Assessment toolkit to ensure that they were providing homes in areas of high demand.

The Authority had successfully delivered 6 new social homes in 2017/18 through the conversion of part of the Riverside Centre that was surplus to requirements. This scheme had been delivered to provide specialist affordable apartments for young people and was now fully let.

The delivery programme for 2018/19 indicated that 250 new affordable homes would be delivered in North Tyneside, a breakdown of these was provided in Appendix 2 to the report. This would bring the total number of homes delivered in the first 5 years of the programme to 1,380. With a number of large sites due to be brought forward in the next 1-2 years there would continue to be significant housing growth in the borough and the Authority remained on programme to achieve 3,000 new homes by 2024. Details of the programme were provided in the report.

Resolved that the progress made during 2017/18 in delivering the Affordable Homes Programme in North Tyneside, be noted.

CAB165/04/18 Report of the Local Government and Social Care Ombudsman (All Wards)

Cabinet considered a report of the Local Government and Social Care Ombudsman (LGSCO) dated 7 November 2017, which had found maladministration causing injustice. The report covered two areas of complaint. On the first the LGSCO did not find evidence of fault in the way the Authority had considered the safeguarding alert received in relation to the customer. However, the Authority should have communicated better with the customer's family and should not have reduced the Direct Payments until a care agency was found.

The complaint and the findings of the LGSCO investigator were set out in detail in Appendix 1 to the report. The findings of the LGSCO were summarised as follows:

- The Authority had a duty to make enquiries about Mrs J's wellbeing once it had received a number of concerns from different sources and the policy allowed for an initial strategy meeting to be held without the presence of the alleged perpetrators. The LGSCO had found no evidence of fault in the way the Authority had acted in respect of the safeguarding process.
- The Authority had acted after the safeguarding meeting in an effort to prevent the readmission of Mrs J into hospital. However, while there had been an agreement to put in place commissioned care for some of the care hours, that had not happened and the Authority had been unable to find a suitable care agency before Mrs J died. Mr J and Ms J had still been providing care during that time therefore by reducing the Direct Payments before the care had been commissioned had caused some injustice to Mr and Ms J.

The LGSCO investigator had found maladministration and injustice against the Authority and had made the following recommendation, as set out under paragraph 33 and 34 of Appendix 1.

The Authority has agreed it should not have reduced the payment for care before it put commissioned care in place and agreed to reimburse the difference to Mr J and Ms J.

The Authority also agreed that the social worker should have maintained contact after Mrs J left hospital and has undertaken to ensure staff learned from the missed opportunity.

The actions proposed by the Authority to address those recommendations were set out in the report, as follows:

As recommended by the LGSCO the Authority had sent a letter offering financial recompense of £88.56 to Ms J on 14 November 2017. The letter also included an apology that the social worker should have maintained contact with Mrs J after she had left hospital and advised that the Authority would ensure staff learned from this missed opportunity.

Ms J had not accepted the final decision by the LGSCO and had asked for a review which had been carried out and it had been confirmed to the Authority on 16 February

2018 that the original decision had not been overturned. Ms J had subsequently refused to accept the apologies offered or the £88.56.

Cabinet considered the following decision option: to note the findings of the report (Appendix 1), its recommendations and agree the actions taken to address the LGSCO's recommendations.

Resolved that (1) the findings and recommendation of the Local Government and Social Care Ombudsman (LGSCO), as described in the report and as set out in the LGSCO's report at Appendix 1, be noted; and
(2) the actions taken by the Authority to comply with the recommendations of the LGSCO's report, as set out in paragraphs 1.53 and 1.5.4 of the report, be noted.

(Reason for decision: To comply with the recommendations of the Local Government and Social Care Ombudsman.)

CAB166/04/18 Report of the Local Government and Social Care Ombudsman (All Wards)

Cabinet considered a report of the Local Government and Social Care Ombudsman (LGSCO) dated 12 February 2018, which had found maladministration causing injustice as there was evidence that the Authority had failed to provide clear information about residential respite care charges to the complainant, which meant he had been unable to make an informed choice about the care of his mother.

The complaint and the findings of the LGSCO investigator were set out in detail in Appendix 1 to the report.

The findings of the LGSCO were summarised, as follows:

- Mr X had approached the Ombudsman because he was unhappy his mother had been charged for a residential respite placement. He had said at no time did anyone explain to him that his mother would need to pay for her care. The LGSCO had found no evidence that charging had been discussed with Mr X, either in hospital or during the financial assessment completed over the telephone. The notes of the meeting on 26 July 2017 did not show that any discussion had taken place about the financial aspects of the proposed respite stay. If a verbal conversation had taken place, this should have been recorded in the Authority's notes.
- The LGSCO had found that had Mr X been informed about the charge it was possible his decision might have been different and that service users and relatives should be given clear information about charging of residential care so that they could make informed choices.
- The Authority had not begun the financial assessment until September 2017, by which time the respite stay was over and Mrs Y had returned home. Mr X had not received the invoice for his mother's care until mid-September 2017. Taking too long to complete financial assessments denied people the information they needed to make informed decisions.

- The Authority had information about its charging policy on its website. The LGSCO stated that this was not sufficient, service users or relatives should not be expected to seek such information themselves at what might be a difficult time. The Authority could not take for granted that service users or relatives had access to the internet or could use it.

The LGSCO investigator had found maladministration and injustice against the Authority and had made five recommendations, as follows, that the Authority:

- apologise to Mr X for the faults identified;
- waive the full costs of Mrs Y's residential respite stay (£677);
- review its procedures to ensure service users were given clear information about charging before a decision was made;
- the Authority should consider providing service users or relatives with literature to explain the financial aspect of charging for care. It should also consider asking service users or relatives to sign to confirm they have understood that social care was not free and that they would be financially assessed to see they would pay towards their care; and
- provide training for social workers on the importance of ensuring accurate case notes were made.

The Authority had informed the LGSCO that it already had procedures in place in relation to the last three recommendations above. It was accepted that in this case its officer had not recorded the discussion about this with Mr X; it was the usual process officers were expected to follow. The Authority would therefore use this specific situation, and the decision statement, as a learning opportunity to tighten up on these procedures for all staff.

The Authority accepted the findings and recommendations of the LGSCO and had waived the full cost of Mrs Y's respite care amounting to £677.

Cabinet considered the following decision option: to note the findings of the report (Appendix 1), its recommendations and agree the actions taken to address the LGSCO's recommendations.

Resolved that (1) the findings and recommendations of the Local Government and Social Care Ombudsman (LGSCO), as described in the report and as set out in the LGSCO's report at Appendix 1, be noted; and (2) the actions taken by the Authority to comply with the recommendations of the LGSCO's report, as set out in paragraphs 1.5.3 and 1.5.4, be noted.

(Reason for decision: To comply with the recommendations of the Local Government and Social Care Ombudsman.)

CAB167/04/18 Agreement for Pooling Business Rate Growth from Enterprise Zones (All Wards)

Cabinet considered a report seeking approval to enter into an overarching Business Rate Growth Income (BRGI) Pooling Agreement with the North East Combined Authority (NECA) on behalf of the North East Local Enterprise Partnership (NELEP),

and also to replace the existing Enterprise Zone (EZ) Round 1 Funding Agreements with the new BRGI agreement.

Each of the seven local authorities in the NELEP area had been asked to enter into an overarching pooled BRGI agreement in order to provide a transparent and consistent approach to the treatment of pooled BRGI across the NELEP area, the treatment of any surplus arising, the approach to financing and borrowing costs, revenue costs and also performance incentives.

There were currently 20 Enterprise Zone sites approved in the NELEP area, with at least one site in each local authority area. The Authority had two enterprise zone sites in its area, the former Swan Hunter site and the Port of Tyne site.

The approach of NELEP to date had been one of completing a bespoke and detailed legal agreement for the funding for each site and this had resulted in several agreements which varied in their terms, content and format and also resulted in a process that took considerable time and effort from all parties involved. The Business Rate Pooling Agreement would provide an overarching agreement with common terms applicable to all funding to provide a level of consistency and equity across all local authorities. The overarching agreement would be supplemented by simpler site-specific funding agreements. This new approach would reduce the amount of work required to complete the funding agreement process, which in turn should accelerate the start of development on Enterprise Zone sites.

The Enterprise Zone funding principles and arrangements had been developed and refined over the period since 2012. By capturing the overarching principles in one document there would be transparency, consistency; and greater certainty about the treatment of income and expenditure. It would also provide an agreed approach to the financing of infrastructure works and the treatment of any surplus in the short, medium and long term for up to 25 years into the future.

As there was a potential for local authorities to carry out significant prudential borrowing over the next few years in order to fund infrastructure works, it was necessary to be clear exactly how the borrowing was to be funded and exactly where the risk of repaying the borrowing fell in the event of income from a particular site being less than that needed to cover the costs relating to that site. The proposed approach to manage and minimise this borrowing risk was to extend the principle of pooling income across all Round 1 and 2 Enterprise Zone sites to cover borrowing costs.

A formal agreement was needed between NELEP, its accountable body, NECA, and each of the local authorities that could be operated over the whole 25 year life of the agreement by local authority officers and that was also capable of dealing with any changes to the parties to the agreement over time through novation and relevant residual body arrangements that might arise.

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 Authority enter into the overarching Enterprise Zone Pooled Business Rate Income Agreement (the “BRGI Agreement”) with the LA7 Authorities, NELEP and its accountable body NECA; and
(2) the Authority replace the existing Round 1 Funding Agreements with new agreements consistent with the BRGI Agreement.

(Reason for decision – In order to provide a consistent approach to investment across the seven local authorities in NELEP area and enable risks to be more effectively managed through the pooling arrangement. It will also contribute to the achievement of the NELEP Strategic Economic Plan objectives, in particular those relating to job creation and employment.)

CAB168/04/18 Date and Time of Next Meetings

Monday 14 May 2018 at 6.00pm (Ordinary Meeting)

Minutes published on Thursday 12 April 2018.

With the exception of Minute CAB167/04/18, 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 Thursday 19 April 2018.

The decisions contained in Minute CAB167/04/18 are not subject to call-in and may be implemented immediately.