

## **Cabinet**

**15 October 2018**

**Present:** Mrs N Redfearn (Elected Mayor) (in the Chair)  
Councillors G Bell, C Burdis, S Cox, P Earley, R Glindon,  
C Johnson and C B Pickard

**In Attendance:** P Arnold (Young Mayor)  
K Goldfinch (Business Sector)  
R Layton (North Tyneside Joint Trade Union Committee)  
S Ripley (Voluntary and Community Sector)

### **CAB46/10/18 Apologies**

Apologies were received from Councillors S Day and M Hall, A Caldwell (Age UK) and Mark Adams (North Tyneside Clinical Commissioning Group).

### **CAB47/10/18 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **CAB48/10/18 Minutes**

**Resolved** that the Minutes of the meeting held on 10 September 2018 be confirmed and signed by the Chair.

### **CAB49/10/18 Report of the Young Mayor**

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

- Some young cabinet members had attended the Flood Ambassadors meeting in Newcastle when discussions had also taken place on the concerns of North Tyneside's young people regarding flooding, resulting in plans being formulated to create a video to be used in schools.
- The Anti-bullying group's creative writing and poetry competition had concluded and a presentation to the winners would take place during anti-bullying week in November.
- Debate topics for the youth council annual debate on 16 October 2018 included work experience opportunities for students, the reduction in single use plastic and trained First Aiders training in the community. At the end of the debate youth councillors would vote for one of the topics which would become next year's campaign for the year.
- The Make Your Mark ballot had come to a close last week with young people having their say in the national consultation. So far 7,756 ballots had been returned, two high schools had sent their results direct to British Youth Council and figures on these were awaited. Based on statistics so far the top five most important topics to the young people who had taken part included: mental health, an end to knife crime, equal pay for equal work, tackling homelessness and curriculum to prepare us for life.

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- Team leaders from the Locality Team had visited the young cabinet meeting last week. They had talked about the projects that they were currently involved with and asked for help in promoting their universal services to other young people.

The Mayor thanked the Young Mayor for her update.

### **CAB50/10/18 Domestic Abuse Services – Procurement Exercise (All Wards)**

Cabinet received a report seeking approval to undertake an open procurement exercise for the delivery of specialist domestic abuse services in North Tyneside.

The Authority currently commissioned an integrated service for victims of domestic abuse, including refuge accommodation, outreach support, an independent domestic violence advisory service and a specialist children's therapeutic service. The contracts for the delivery of the Domestic Abuse Services commissioned by the Authority were due to end on 31 March 2019, with no further options to extend.

In order to ensure no break in provision for those accessing support, it was proposed that the new contract would commence on 1 April 2019 for an integrated service model which provided refuge based accommodation and other placements options, outreach support and an Independent Domestic Violence Advisor Service. Findings from recent consultation events had highlighted the need for more activities and support sessions for children and young people whilst resident in the refuge. This would be addressed in the proposed service specification.

The integrated service would be the single point of contact for all self and agency referrals and provide services to address all levels of risk, and severity of domestic abuse, and be accessible for all victims, regardless of age. The new enhanced model would ensure the service was also fully integrated with the Multi Agency Safeguarding Hub (MASH). Included in the proposal was the commissioning of a specialist therapeutic provision for children and young people aged 4-18 years old who had witnessed domestic abuse. Findings from recent consultation events had highlighted the need for more interventions to be available for those children and young people who had witnessed domestic abuse or were at risk from unhealthy relationships.

The indicative timetable for the procurement was set out in the report.

The Cabinet Member for Community Safety and Engagement, in offering her support for the delivery of the service, referred to a statistic cited in the report at paragraph 1.5.2 regarding the prevalence of domestic abuse incidences in North Tyneside, and requested officers to seek further clarification.

The report stated "North Tyneside recorded a rate of 26.9% domestic abuse incidences per 1000 population, compared with 44.4% for the North East and a rate of 22.5% for England."

For clarification this should instead read "North Tyneside recorded a rate of 26.9 domestic abuse incidences per 1000 population, compared with 32.6 for the North East and a rate of 22.5 for England (2016/17)."

This statement was based on the information in the full Domestic Abuse Needs Assessment.

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Cabinet considered the following decision options: to either approve the recommendations as set out in section 1.2 of the report, or alternatively, to not approve the recommendations and request that Officers look at alternative options for the delivery of domestic abuse services in North Tyneside.

**Resolved** that the Head of Commissioning and Investment, in consultation with the Head of Health, Education, Care and Safeguarding, the Head of Finance, the Senior Manager for Legal Services and Information Governance, the Cabinet Member for Children, Young People and Learning, the Cabinet Member for Community Safety and Engagement, the Cabinet Member for Adult Social Care, and the Cabinet Member for Finance and Resources, be authorised to:

- (1) undertake an open procurement exercise for specialist domestic abuse services in North Tyneside to identify a providers(s); and
- (2) award a contract/contracts for the provision, following the procurement exercise to the successful bidder(s) of Specialist Domestic Abuse Services across the Borough for an initial contract period of 2 years, with an option for the Authority to extend the contract/contracts for a further 12 month period.

(Reasons for decision: The Authority has a duty, alongside statutory partners, to safeguard children and vulnerable adults at risk of abuse and neglect including domestic abuse; the proposed service model will be informed by needs analysis including evidence from consultation exercises; the current domestic abuse contracts will terminate on 31 March 2019. If approved, the Authority will be in a position to commence a tendering exercise to re-procure the services and award the new contract to start in April 2019. This will ensure no break in provision for those accessing support.)

### **CAB51/10/18 Equality and Diversity Policy (All Wards)**

Cabinet received a report seeking approval to amend the Authority's Equality and Diversity Policy to incorporate the International Holocaust Remembrance Alliance's (IHRA) definition of Anti-Semitism and its supporting guidelines.

The Cabinet had adopted a new Equality and Diversity Policy on 10 April 2017 and the Authority had published its most recent Annual Equality and Diversity Review of its performance against its equality targets in accordance with the requirements of Equality Act 2010, on 30 June 2018.

At the Council Meeting on 27 September 2018 (Minute C38/09/18), Council had requested Cabinet to amend the Authority's Equality and Diversity Policy to include the IHRA definition of Anti-Semitism and its supporting guidelines to demonstrate and give assurance that the Authority was totally opposed to Anti-Semitism.

The proposed amendment to the Authority's Equality and Diversity Policy to incorporate the IHRA's definition of Anti-Semitism and the supporting guidelines was highlighted at Appendix 1 to the report. The reference provided to the definition of Anti-Semitism and the supporting guidelines contained an internet hyperlink to the IHRA's website where further detailed information on the definition and guidelines was available.

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A working group of the Corporate Equality Group had begun to review the Equality and Diversity Policy in August 2018 to ensure the Authority continued to meet its statutory obligations in relation to equality and diversity.

The Policy was subject to regular review to ensure it provided the guidance and assurance that was necessary for the Authority to meet its statutory obligations in relation to equality and diversity. Work had already commenced to review the Policy and a report would be submitted to Cabinet in January 2019 to update the Policy where necessary, following appropriate consultation.

As Cabinet Equality Champion the Deputy Mayor had been briefed on the proposed amendments. Following consultation with members of the Corporate Equality Group (whose members included representatives of service areas, trades unions and business partners – Kier, Engie and Capita), Senior Leadership Team and Cabinet, the revised policy would be subject to wider consultation. The draft policy would also be published on the North Tyneside Council Intranet and promoted via Teamwork to ensure all staff were aware of the opportunity to comment on the draft document.

Details of the consultation would be posted on the Authority's 'Have your say' web pages and promoted via a range of communication channels. In addition organisations representing residents with protected characteristics would be invited to comment on the draft policy.

Mr Layton referred to Unison's participation nationally in the Palestinian Solidarity Campaign, and asked whether the adoption of the policy and supporting guidelines would stifle any legitimate fair comment about the Israeli government. The Deputy Mayor indicated that would not be the case.

Cabinet considered the following decision options: to either approve the recommendations as set out in section 1.2 of the report, or alternatively, to not approve the recommendations and request that Officers look at alternative options.

**Resolved** that the amendment to the Authority's Equality and Diversity Policy as set out at Appendix 1 to the report, incorporating the International Holocaust Remembrance Alliance's definition of Anti-Semitism and its supporting guidelines, be approved.

(Reasons for decision: To give effect to the Motion considered at the Council Meeting on 27 September 2018; and to amend the Authority's Equality and Diversity Policy to include the IHRA's definition of Anti-Semitism and its supporting guidelines to demonstrate and give assurance that the Authority is totally opposed to Anti-Semitism.)

### **CAB52/10/18 The Gambling Act 2005 – Draft Statement of Licensing Policy (Gambling) 2019-2022 (All Wards)**

Cabinet considered a report which outlined the final proposals for a revised Statement of Licensing (Gambling) Policy prior to consideration by Full Council on 22 November 2018.

The Authority was required to produce and publish a Statement of Licensing Policy under the Gambling Act 2005 and to revise the Policy at least every three years. The revised Policy had to be in force by 31 January 2019 when the existing Policy would expire.

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Under the Act, the Authority as a licensing authority was responsible for issuing Premises Licences and Permits. Premises Licences were specific to the type of premises offering gambling to the public and included Casino Premises; Bingo Premises; Adult Gaming Centre Premises; Family Entertainment Centre Premises; and Betting Premises.

The Authority did not have the authority from the Secretary of State to issue Casino Premises Licences. Section 175 of the Act limited the overall numbers of types of casinos that would be permitted in Great Britain and, until such time as the current limit on the number of casinos was increased, no further Casino Premises Licences would be issued.

In terms of Permits, the Authority as a licensing authority could issue Unlicensed Family Entertainment Centre Gaming Machine Permits; Club Gaming Permits; Club Gaming Machine Permits; Alcohol Licensed Premises Gaming Machine Permits; and Prize Gaming Permits.

Section 153 of the Act, which was detailed in the report, set out the principles to be applied by the Authority when considering an application for a Premises Licence; and emphasised the importance of the Authority's Statement of Licensing Policy (Gambling) in determining any application for a Premises Licence made to the Authority as a licensing authority.

The draft revised Policy, attached as Appendix 1 to the report, contained the information that the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 had prescribed should be included in the Policy document, as referred to in the report.

In preparing the draft revised Policy document, regard had been given to the Commission's statutory guidance and the Regulations issued in order to assist licensing authorities in the preparation of their Policy statements.

The draft revised Policy statement included the following new additions - Reference to the new Council Plan; a new section on Child Sexual Exploitation awareness and information on safeguarding policies; new responsible authority added for vessels; new Local Risk Assessment; and updated website information.

The draft revised Policy statement had been subject to a 6 week period of public consultation commencing on 1 June 2018. The report outlined the requirements for publishing the draft revised Policy statement once approved.

In total, 22 responses had been received to this consultation exercise from a mixture of residents, residents associations and members and the gambling trade. Officers had considered each response and amended the draft policy as required. A summary of the responses received and the amendments made was attached at Appendix 2 to the report. The majority of responses focussed on support for a further "no casino" resolution

Council on 19 November 2015, had passed a 'no casino' resolution which meant that the Authority would not grant any Casino Premises licences in the Borough if it was given the power to do so. This resolution remained in place for the duration of the Policy, even if the number of national Casino licences increased. If Council passed a 'no Casino' resolution, then it would remain in force for a further three years (unless another resolution was passed in the interim) and would prohibit the Authority from issuing Casino Premises

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Licences in that period.

Cabinet considered the following decision options: to either approve the recommendations as set out in section 1.2 of the report, or alternatively, to not approve the recommendations.

**Resolved** that (1) the final proposals in connection with the formulation and approval of the draft revised Statement of Licensing Policy (Gambling), including the 'no casino resolution', attached at Appendix 1 to the report, be endorsed; and (2) the draft Statement of Licensing Policy (Gambling) be referred to Full Council for consideration on 22 November 2018.

(Reasons for decision: The revised draft Policy has been developed by an Officer Working Group. The Policy contains the information required by legislation and the Gambling Commission. It has been subject to extensive consultation involving, in addition to members of the public, those involved in the gambling trade, all North Tyneside MPs, MEPs and Councillors. All consultees were given the opportunity of providing feedback and comments on the draft Policy during the consultation period.)

### **CAB53/10/18 Tackling Rogue Landlords under the Housing and Planning Act 2016 (All Wards)**

Cabinet received a report seeking approval to adopt new powers under the Housing and Planning Act 2016 for dealing with 'rogue landlords'.

The Housing and Planning Act 2016 amended the Housing Act 2004 by introducing a number of measures designed to assist local authorities, acting as local housing authorities, in tackling "rogue landlords" and managing agents. These measures included the imposition of civil penalties of up to £30,000 as an alternative to prosecution for relevant housing offences; and the extension of rent repayment orders to cover illegal eviction, breach of a banning order and other relevant housing offences.

In April 2018, new guidance had been published to enable the implementation of (i) banning orders for the most serious offenders; and (ii) a database of rogue landlords and property agents against whom a banning order had been made, which might also include persons convicted of a banning order offence or who had received two or more financial penalties.

The report sought the agreement of Cabinet to adopt the new powers to issue civil penalty and rent repayment orders as enforcement measures. This would mean an alternative to prosecuting landlords, which in many cases, was too lengthy a process to effectively resolve issues quickly for tenants. The new powers would apply to the following offences under the Housing Act 2004:

- Failing to carry out works to a property to remove any harmful hazards which would result in an Improvement Notice being served.
- Allowing more persons to live at a House of Multiple Occupation than authorised.
- Contravention of an Overcrowding Notice which had been served on a property.
- Failing to comply with management regulations where there were unsatisfactory management arrangements in a House of Multiple Occupation.

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The aim of implementing civil penalties and rent repayment orders was to improve housing standards and protect vulnerable tenants within the Borough. Civil penalties were a powerful deterrent and were hoped to encourage landlords to reconsider poor practices.

The use of civil penalties and applications for rent repayment orders as an alternative to prosecution for certain offences under Housing Act 2004 required the delegation of the exercise of such powers to the Head of Environment, Housing and Leisure to ensure the timely and efficient use of such powers and to enable officers to be instructed to carry out these functions, as considered appropriate.

The government had made it clear in guidance that it expected each local housing authority to have a Housing Enforcement Policy so that the public, tenants and landlords were aware of how it was likely to use its new powers. This Policy was currently being considered in conjunction with neighbouring authorities. The aim of the Policy would be to support good landlords and to ensure that there were robust policies and procedures in place for tackling those landlords who did not comply with their legal obligations. This Policy would fit into the wider work that the Elected Mayor and Deputy Mayor were undertaking with the senior officer team on the Authority's approach to enforcement matters to ensure North Tyneside was a great place to live work and visit. The Policy would provide a framework to ensure consistency and proportionality in decision-making.

Cabinet considered the following decision options: to either approve the recommendations as set out in section 1.2 of the report, or alternatively, to not approve the recommendations.

**Resolved** that (1) the use of the powers permitting the Authority to impose civil penalties and apply for rent repayment orders and maintain and enter data on the Rogue Landlord Database where appropriate be approved;  
(2) the Head of Environment, Housing and Leisure be authorised to take all activities considered necessary in relation to the imposition of civil penalties and rent repayment orders; and  
(3) the Head of Environment, Housing and Leisure be authorised to develop and consult on a Housing Enforcement Policy and a further report be submitted to Cabinet seeking approval for the Policy.

(Reasons for decision: The powers provided by the Housing and Planning Act 2016 and the Housing Act 2004 will enable the Authority to help improve the quality of private rented accommodation in the Borough and to act against landlords, letting agents and property managers who knowingly rent out unsafe and substandard accommodation.)

### **CAB54/10/18 North Tyneside Highway Inspection Policy (All Wards)**

Cabinet received a report seeking approval for the updated North Tyneside Highway Inspection Policy.

The Authority had a statutory duty to keep the public highway network in a safe and serviceable condition and had operated a successful highway inspection policy for a number of years. The policy now required updating to reflect the recommendations contained in the new national code of practice for highway maintenance 'Well Maintained Highway Infrastructure' (WMHI). This revised code of practice contained a number of recommendations relating to how authorities should manage their assets. Recommendation

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16 specifically related to highways inspections and stated that a risk-based inspection regime, including regular safety inspections, should be developed and implemented for all highway assets.

The Department for Transport's expectation was that any changes made by highway authorities to their inspection policies would be approved as formal policy by October 2018. Although there was no obligation to change the inspection policy if it was already deemed fit for purpose, the majority of highway authorities had been reviewing and making some degree of changes to their inspection policies.

The new WMHI code of practice recommended that highway authorities collaborate with their neighbours to ensure that there was consistency across boundaries in terms of the Authority's highway inspection policies. This approach was also advocated by the Authority's insurers, Zurich Municipal. The Authority had therefore held a number of workshops with its four neighbouring Tyne and Wear metropolitan highway authorities. The outputs had helped to shape the authorities' respective inspection policies. Additionally, several mock court events had been held in the region in recent months to test the robustness of the Authorities' draft policies. In North Tyneside, the Highways Team had worked with the Risk and Insurance Team and Zurich Municipal in order to further refine the updated policy.

Given the fact that current performance was good and that a high repudiation rate could be maintained within existing resources, the proposed changes to the highway inspection policy were minimal and were summarised as follows:

- Inspection frequencies: A review of the road hierarchy had been undertaken and inspection frequencies would remain largely unchanged. However, in keeping with the recommended risk-based approach, certain frequencies would change. For example, inspections of quiet back lanes would reduce from 2 inspections per year to 1 inspection per year. The resources would be redirected to streets which had greater usage and a higher probability of incidents occurring. Back lanes would still be maintained to a good standard and this Policy would fit into the wider work that the Elected Mayor and Deputy Mayor were undertaking with the senior officer team on the approach to enforcement matters to ensure North Tyneside was a great place to live, work and visit. Streets with vulnerable users such as those with sheltered accommodation in close proximity would be given increased inspection frequencies.
- Repair criteria: The investigatory levels associated with footpath trips and road defects would remain at 20mm and 40mm respectively. However, when assessing defects, the highway inspector would be taking a more risk-based approach which meant that defects meeting the investigatory criteria would not automatically be repaired. Further details in relation to repair criteria were set out in policy document.
- Repair response times: These would remain unchanged.

The full proposed draft updated Inspection Policy was attached to the report as Appendix 1.

On behalf of the Business Forum Ms Goldfinch welcomed the work done on the updated Inspection Policy.



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Cabinet considered the following decision options: either to approve the recommendations as set out in paragraph 1.2 of the report, or alternatively, to not approve the recommendations.

**Resolved** that the North Tyneside Highway Inspection Policy, attached at Appendix 1 to the report, be approved.

(Reasons for decision: The Department for Transport and wider highway maintenance sector expects that all highway authorities will review and update their highway inspection policies to reflect the recommendations contained in the new WMHI code of practice. If an approved policy is not in place, this would have implications for the Authority in terms of its ability to defend public liability claims in court.)

### **CAB55/10/18 North Tyneside Highway Asset Management Plan Annual Information Report 2018 (All Wards)**

Cabinet received the North Tyneside Highway Asset Management Plan (HAMP) 2017-2032 Annual Information Report 2018 which summarised the work undertaken to demonstrate progress against delivery of performance of the Highway Management Plan during the past 12 months.

The Authority's HAMP 2017-2032 included a commitment to provide Cabinet with an annual information report outlining progress and key issues associated with the maintenance of the Authority's public highway network. The report had a particular emphasis around the condition of the network and the resources required to maintain it effectively.

North Tyneside Council was responsible for an extensive highway network and feedback from its residents had consistently told the Authority that the maintenance of roads and footpaths was a top priority.

In September 2017, Cabinet had adopted a new HAMP 2017 - 2032, setting out the Authority's approach to maintaining North Tyneside's highways and responding to the Elected Mayor and Cabinet's policy direction which included providing a greater emphasis on footways.

Currently the highway maintenance activities delivered through the HAMP were funded through a number of funding streams and the maintenance of the highway network was becoming increasingly challenging following continued reductions in Government funding.

The HAMP Annual Information Report 2018 would be used as the basis for ongoing consideration around the challenges of maintaining the highway network. The report was aimed at supporting those considerations so that any decisions about potential changes in highway maintenance priorities and resources could be made in an informed manner.

The following key highlights could be drawn from the annual report:

- The highway network was the most valuable asset in the Authority's ownership.
- Due to the Authority's continued improvement to highway asset maintenance and the construction of new roads, the current total value of highway assets had increased from £1,347,000,000 to £1,404,000,000 (£1.4 billion).

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- The successful implementation of the HAMP policy and investment strategy was demonstrating that the ongoing application of highway asset management principles by the Authority was gradually improving the condition of the road network. Sustained investment was however required for this to continue.
- The additional capital investment being funded directly by the Authority in highway maintenance was gradually improving the overall condition of the network in line with HAMP principles, as illustrated by the current “Road Condition Indicator” calculation results set out in the Information Report. However, this additional financial investment could not continue indefinitely and currently the Government’s funding model for local highways authorities was not sustainable. Although additional ‘one off’ funding to tackle pot holes was welcomed it did not on its own make the difference that was required and continually left local authorities having to tackle the funding shortfall.
- The Technical Services Partnership had introduced new technology to measure silt levels in gully pots which would inform a new risk-based approach to gully cleansing. The first cycle of cleansing and data gathering had been completed with data available on over 44,000 road gullies in North Tyneside. A new gully cleansing strategy would be developed on completion of the second cycle of cleansing and data collection.
- The Technical Services Partnership continued to achieve and exceed its KPI targets and through its Annual Service Plan was identifying innovative ways of working, service improvements and efficiencies.
- How the Authority spent its allocated funding needed to be carefully balanced across the Authority’s highway network.
- Continued customer engagement was providing better intelligence on what the public priorities for the Authority’s highway maintenance efforts. These included continuing the Authority’s improvements of residential and strategic roads and footways and improving the gully cleaning service.
- Although bridge maintenance was currently under control and could be managed within existing LTP budgets, there were a number of structures which had been identified as requiring maintenance within the next 6 years. This might start to place an additional pressure on budgets in future years.
- Following the publication of the revised national code of practice, Well-managed Highway Infrastructure, the Technical Partnership had completed the work of producing an updated highway inspection policy (see Minute CAB54/10/18 above).
- The Authority had delivered all programmed highway asset improvement schemes to date.

**Resolved** that the content of the North Tyneside Highway Asset Management Plan 2017-2032 Annual Information Report 2018, as appended to the report, be noted.

## **CAB56/10/18 North Tyneside Network Management Plan (All Wards)**

Cabinet received a report seeking approval to adopt the proposed new Network Management Plan which set out the Authority's future approach to managing the operation of the local highway network.

A key aim for North Tyneside's Transport Strategy and the Local Plan was to develop a road network that met the current and future needs of those travelling to, from, and through the Borough. Through offering improved connectivity, reliability and demand management across all modes of transport, the Authority aimed to operate and develop a network that could "manage the peaks" and deliver a consistent and reliable experience to all road users.

Following a successful period of local and national investment into the highway network it was important that the Authority now managed demand to allow the efficient operation of the network at all times. The Authority's approach in securing Major Scheme funding had been based on demonstrating a robust evidence base of current network conditions and forecasting where economic growth and future housing development were likely to strain network operations.

The strategic highway improvement schemes that had been delivered over the past 5 years formed part of a wider strategic plan to manage travel behaviour along key corridors through the Borough. This corridor based approach provided the opportunity to address congestion hotspots and manage demand along a corridor rather than just relocating the issues downstream.

To support this revised approach, the Authority would continue to invest in data collection technology and monitoring systems that would provide the robust evidence base from which investment priorities could be decided.

There were now limited opportunities for substantial network capacity improvement schemes to address congestion or road safety as reflected in the reducing number of collision cluster sites being identified in the Travel Safety Strategy. Housing growth was driving where capacity improvements would become necessary and the Authority would continue to pursue funding opportunities from central government as well as requiring developers to mitigate this forecast network pressure.

Nationally, increased congestion on the highway network contributed to poor air quality. The Authority was jointly working with Newcastle and Gateshead to make a difference through changing travel behaviour and supporting moves towards low emission technology. North Tyneside had excellent opportunities to address congestion more intelligently through improved demand management with more focus on providing alternatives to car based trips. The Borough was well served by public transport through metro, bus, and taxi and many residential areas were within reasonable cycling distance of their places of employment.

The corridor based approach would also deliver a comprehensive network of links between key origins and destinations for all modes of transport and support greater levels of investment, deliver wider local benefits, and increased the opportunity for securing developer contributions through the planning system. This helped reduce the burden on Authority funding to wholly deliver major highway improvements and allowed more schemes to come forward.

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The Authority would develop schemes that supported the following key principles:-

- Supports the management of congestion and improves journey time reliability for all road users
- Improves Network Management using intelligent technology such as bus priority, dynamic signal control, improved network recovery/resilience, intelligent monitoring and data sharing
- Delivers demand management initiatives that educate and advocate smarter choices to support modal shift away from single occupancy car trips
- Increases highway capacity to remove severe delays that are barriers to economic growth and Local Plan development.

The Network Management Plan aimed to manage peak period operations through implementing new technologies, managing demand, and investment in network capacity improvements where appropriate. The Plan focused on 11 key routes that catered for the majority of journeys undertaken across the Borough. These corridors were broken down into commuting corridors that supported the local economy and provided access to/from the Borough, and local distributor routes which linked to the many residential areas across the Borough. These corridors were listed in the report and highlighted in the Highway Network Plan in Appendix B to the report.

Each corridor would be assessed against a set of criteria detailed in the report to allow investments to be prioritised. The Authority would develop a service standard that each corridor should operate at based on measurable attributes such as journey time reliability, level of delay, duration and scale of congestion relative to off-peak average journey times, public transport service level, cycling provision and number of cyclists.

The Authority would continue to monitor local trends through residents/employer surveys, Census data, and traffic data collected along each corridor. This would improve understanding of how travel behaviour was changing and ensure that the road network was capable of supporting future demands. The performance of each corridor would be reported as part of the annual Transport Strategy Information Report to Cabinet.

As developments identified in the Authority's Local Plan came forward the Authority aimed to manage the impact upon each of the corridors to ensure average peak hour journey times were not significantly impacted. The Authority would know if it had been successful in managing the Highway if it could demonstrate that: peak hour road works were reduced along each corridor; peak hour journey times remained consistent along each corridor; bus service provision and patronage levels along each corridor increased; and corridor provision for all road users progressed towards borough wide standard.

Cabinet considered the following decision options: either to approve the recommendations as set out in paragraph 1.2 of the report, or alternatively, to not approve the recommendations.

**Resolved** that (1) the North Tyneside Network Management Plan, as attached at Appendix 1 to the report, be adopted; and  
(2) the Head of Environment, Housing and Leisure, in consultation with the Cabinet Member for Environment and Transport, be authorised to approve ancillary guidance documents.

(Reasons for decision: Approval of the Plan will clearly set out the Authority's commitment to improving the operation of the highway network across the borough, in accordance with the adopted North Tyneside Transport Strategy, and allow the Authority to deliver consistent and reliable journey experiences

### **CAB57/10/18 Electric Vehicle Charging Infrastructure Procurement (All Wards)**

A report was received which sought approval for the Authority to participate in a procurement exercise together with the North East Combined Authority (NECA) and other participating authorities (anticipated to be Gateshead Council, Newcastle City Council, Northumberland County Council, Sunderland City Council and Nexus) for a supplier to maintain, manage and expand existing electric vehicle (EV) charging infrastructure.

It was proposed that the NECA, on behalf of the participating authorities, would undertake the procurement exercise; however it was intended that each participating authority would enter into a direct and separate contract with the successful bidder, with the intention of the contracts being on the same terms.

It was agreed that this would be a concession contract, i.e. a contract where the contracting authority did not pay for services from the supplier, but rather the supplier derived its income from exploiting assets of the Authority. It was proposed that there would be no cost to the Authority and that the contractor would provide the maintenance and operation of existing EV charging infrastructure. A pricing schedule would be agreed for the procurement process which would include costs for the supplier to carry out the design, installation, and/or commissioning of new infrastructure, should this be needed in the future. This would be supported by a call off mechanism in the contract to enable the Authority to engage such services during the term of the contract, should this be required.

It was intended that the successful bidder would deliver the operation, repair and maintenance of existing and upgraded infrastructure over the contract period. In order to offset the supplier's costs, the supplier would be permitted to charge EV drivers for the use of EV charging infrastructure. In the event that funds raised from fees were to exceed the ongoing costs of management, maintenance and provision of EV charging infrastructure, it was anticipated that funds would be used to support the further provision for ultralow-emission vehicles within each participating authority area, and it was anticipated that appropriate revenue-sharing arrangements would be included within the contract.

It was also intended that the nominated supplier, in consultation with each individual local authority, would identify additional locations where deployment of additional infrastructure could be delivered, with a focus on locations where this could be done without cost to the local authority or to NECA. In this way, it was intended that the contract would contain sufficient flexibility to allow the Authority to respond appropriately to the rising demand for EV charging infrastructure, while taking account of the factors such as the rate of development of the EV market and the extent to which publicly accessible charging infrastructure was provided by third parties.

It was proposed that this contract would be non-exclusive. Separate arrangements were already in place for NECA to install Rapid chargepoints, which provided high speed charging, at a small number of locations in the borough: these chargepoints were subject to different contractual arrangements and not covered by the proposed contract.

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The proposed contract would not cover existing EV chargepoints which were not managed by the Authority, although these may be available to the public, e.g. those located at hospitals, business parks or Metro station car parks.

Cabinet considered the following decision options: to agree the recommendations as set out in section 1.2 of the report; or alternatively, to not approve the recommendations.

**Resolved** that (1) the existing and proposed arrangements for the provision and maintenance of electric vehicle (EV) charging infrastructure in the Borough of North Tyneside be noted;

(2) the Authority participate in a procurement exercise together with the North East Combined Authority (NECA) and other local authorities and public bodies, led by NECA, for a supplier to maintain, manage and expand existing EV charging infrastructure; and

(3) the Head of Environment, Housing and Leisure be authorised to:

(a) in consultation with the Senior Manager, Legal Services and Information Governance and the Head of Finance, make appropriate arrangements for the appointment of the successful bidder following that procurement process; and

(b) in consultation with Senior Manager, Legal Services and Information Governance, enter into contractual arrangements with the successful bidder.

(Reason for decision: to support the continued provision of effective charging infrastructure for electric vehicles in North Tyneside.)

### **CAB58/10/18 Reviewing Contributions and Payments to Customers (All Wards)**

Cabinet received a report which sought approval for the review of contributions and payments to customers in relation to services provided by the Authority's Court of Protection, non-residential services provided by the Authority and direct payments for support via a personal assistant.

One of the current services provided by the Court of Protection team consisted of supporting the clients' families to complete the necessary application forms to the Court of Protection to appoint a family member as a Deputy for a relative who lacked capacity. This support usually took between 4 and 6 hours of work per case and was charged at a rate of £18.40 per hour.

It was proposed that a flat fee of £745 be charged rather than charge an hourly rate, bringing local arrangements in line with national guidance. It was also proposed that where a client without capacity, who had no family to support them, had a property to sell or assets over £75,000 that the case be referred to a Court appointed solicitor rather than the Authority making an application to act as a Deputy. This reduced the risk for the Authority in relation to managing large sums of money or dealing with properties that may take some time to sell.

The full amount of the charge outlined above would be retained by the Authority for the provision of the support services outlined. The charges did not include court costs. These were charged separately to the client/the client's family. The Court fees for an application for Deputyship were currently £385.

The Authority had historically charged £300 for winding up a Deputyship and this had not increased, or been reviewed for a number of years. It was proposed to raise the charge for

the winding up of a Deputyship to £745, the same as the application charge made for Deputyship because there was a comparable amount of work undertaken.

The Authority had approximately 180 clients where the client had few assets (up to £8,000) but was unable to manage their finances and had no-one able to assist them. Their income was predominantly benefit related. In these cases the Authority acted as an Appointee to manage benefits, to ensure the individual had their personal allowance and to pay bills. This was not a statutory service and currently the Authority provided the service free of charge. The Authority could cease offering the service (except where the case needed to be managed due to concerns about financial abuse) or it could implement a charge for the service.

Consultation had taken place suggesting a charge of £5 per week as this was the amount being charged by some other local authorities. It was recognised that the charge would represent varying percentages of income for different customers. It was proposed that this charge be implemented immediately for all new customers and at the point of review for existing customers. It was also proposed that this would be reviewed in 2019/20 and that fees would be waived where there were concerns about financial abuse and discretion used to waive the fees in cases of hardship. An appropriate procedure would be developed for staff to ensure consistency of application of this discretion.

A summary of consultation responses to the above Court of Protection proposals was set out in the report.

The business case presented to Council during the budget setting process had proposed that the Authority change the amount of income a person could keep before they were charged for social care support by reducing the buffer from 25% to 18.6% in line with Government guidance. This referred to any social care support provided outside of residential or nursing home care that was funded by the Authority, for example, domiciliary care or day services.

Regionally four other areas were already applying, or in the process of introducing, the 18.6% buffer and it was proposed that a buffer of 18.6% over the Minimum Income Guarantee be introduced instead of the 25% buffer current allowed. The proposed new buffer would only be introduced immediately for new clients to avoid disadvantaging current clients who were accustomed to their current level of disposable income. However, it was also proposed that current clients were given notice and a phased approach be taken to reducing the buffer over 3 years to prevent a 2-tier system of charging in the future. Only one response had been received as a result of consultation on this proposal. The response was neutral.

The rate of pay for Direct Payments had not been reviewed since 2014. The net hourly rates of pay for Personal Assistants were £7.14 for those working with adults and £8.50 for those working with children. There was no clear rationale for the difference in these rates.

It was proposed to simplify the Direct Payments system to encourage more people to manage their care needs through a Direct Payment. Individuals who accepted a Direct Payment and engaged a Personal Assistant became an employer. This could be a daunting idea to many people and so could deter people from considering this as an option. Rather than the current arrangements it was proposed that in the future the Authority would pay to the individual a Direct Payment that reflected the net rate of pay paid to the Personal Assistant rather than a gross payment and to retain the contingency money within the

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Authority. This contingency money would then only be paid out if it was required (for example where sick pay or a redundancy payment was necessary). A sum equalling the cost of tax and National Insurance would also be paid.

It was therefore proposed to increase the net rate of pay included in Direct Payments to provide that that a Personal Assistant received, for those working with both children's and adults, to £8.75 per hour. This would be in line with North Tyneside Living Wage.

A summary of consultation undertaken and responses received to the Direct Payments proposals was set out in the report.

Equality Impact Assessments in relation to the proposals were attached to the report at Appendix 1 and Appendix 2 respectively.

Various options for each element of the payments and contributions proposals were set out in the report.

**Resolved** that the Head of Health, Education, Care and Safeguarding, in consultation with the Cabinet Member for Adult Social Care, the Head of Finance and the Senior Manager, Legal Services and Information Governance, be authorised to:

- (1) implement charges/increased charges for services provided by the Court of Protection team as set out above;
- (2) in relation to charging for non-residential services, reduce the buffer over the Minimum Income Guarantee from 25% to 18.6%; and
- (3) change the gross hourly Direct Payment rate for Personal Assistants from £11.90 (those working with children) and £10.54 (those working with adults) to a standard rate of £8.50 per hour net; the differential to be held by the Authority as a contingency to be drawn upon by individuals in the event that an unforeseen payment is required.

(Reason for recommended decision options: Court of Protection - it provides the maximum opportunity for generating income for non-statutory work which preserves resources for meeting statutory needs. Non-Residential Services – this will bring North Tyneside local arrangements into line with Government guidelines. Direct payments - it provides equity for all individuals working across children's and adults; it will bring the rate of pay for Personal Assistants in line with North Tyneside Living Wage; it will reduce the amount of money paid out which then has to be reclaimed at a later date.)

### **CAB59/10/18 North Tyneside Council Apprenticeship Strategy 2018-2021 (All Wards)**

A report was received which sought approval for the North Tyneside Council Apprenticeship Strategy 2018-2021.

The Elected Mayor had committed to more apprenticeships in 2013 and, since then, 133 had been recruited into the Authority in many different roles.

The Elected Mayor and Cabinet had recently refreshed the Our North Tyneside Plan with a focus on people being ready for work and life, one of the aims being to increase the number of apprenticeships available across the Borough. The Elected Mayor had pledged to fulfil the Authority's Policy made in 2013 towards apprenticeships by making a personal commitment to increase the number of apprentices within the Authority's workforce.



The proposed North Tyneside Council Apprenticeship Strategy 2018 – 2021, outlined in Appendix 1 to the report, would support work to achieve the Authority's statutory obligations, as set out in the report, and was linked to addressing the following issues: lack of higher level qualifications; competition for jobs; deprivation levels; work poverty and getting vulnerable groups into work. The strategy aimed to address, in relation to the Authority, key skill shortages areas such as social work and business analysis, as well as addressing issues around an ageing workforce.

Ms Goldfinch welcomed the work the Authority was doing to increase the number of apprentices and referred to the efforts of the Business Forum to encourage employers to create apprenticeship opportunities.

Cabinet considered the following decision options: to approve the North Tyneside Council Apprenticeship Strategy 2018 – 2021; or alternatively, to not approve it and request officers to undertake further work on the Strategy.

**Resolved** that (1) the proposed North Tyneside Council Apprenticeship Strategy 2018 – 2021, in the form of the draft at Appendix 1, be approved; and (2) the Head of Finance be authorised (a) in consultation with the Deputy Mayor, to implement the North Tyneside Council Apprenticeship Strategy 2018 – 2021; and (b) to deal with all ancillary matters arising that are consistent with the above resolution.

(Reason for decision: To ensure the Authority can meet its statutory obligations and the Elected Mayor's commitment and support the Ready for Work and Life theme of the Our North Tyneside Plan.)

#### **CAB60/10/18 Exclusion Resolution**

**Resolved** that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 2 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3, 1 and 3 respectively of Part 1 of Schedule 12A to the Act.

#### **CAB61/10/18 Proposed Insourcing of the Procurement Function and Procurement Strategy Update (All Wards)**

Cabinet received a report which sought approval for progressing negotiations regarding the proposed insourcing of the Procurement function and to undertake a mid-term review of the Procurement Strategy 2017-2020.

Since adoption of the Procurement Strategy the Authority had closely monitored the ambitious improvement plan contained within it. This improvement plan set out important targets to be delivered by the Authority and its strategic business partner, on making savings and value for money; supporting the local economy; leadership in procurement; and modernising procurement. It had become apparent that the current way in which the Procurement service was organised was not optimising efficiency or value for money and that to be able to deliver the improvement plan effectively, it would be necessary to explore returning the outsourced service to the Authority's direct control. This would mean that all the procurement was delivered in-house.

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Cabinet considered the following decision options: to agree the recommendations outlined in section 1.2 of the report, to explore insourcing the Procurement functions which are currently delivered via the business partnership, and to refresh the Procurement Strategy 2017-20 to reflect direct service delivery, the good practice recommended in the Local Government Association's National Procurement Strategy 2018, and those aspects of ethical charters recommended to the Authority which support achievement of the Our North Tyneside Plan 2018-21; or alternatively, to not approve the recommendations.

**Resolved** that (1) the Head of Commissioning and Investment be authorised to progress plans to insource the Procurement services by April 2019, in order that all aspects of the Procurement function can be delivered, managed and controlled directly by the Authority, thus optimising efficiency and effectiveness; and  
(2) a mid-term review of the Procurement Strategy be undertaken and reported back to Cabinet by April 2019, in order that the Procurement Strategy can reflect the proposed insourcing of Procurement functions set out at Resolution (1) above, national good practice guidance published in the National Procurement Strategy for Local Government in England 2018, and those procurement aspects of ethical charters received which support delivery of the Our North Tyneside Plan 2018-2021.

(Reasons for decision: This will allow the Authority to explore the potential for direct delivery of procurement functions, thus enabling control over the strategic and operational leadership of procurement. This is likely to allow a more efficient and effective delivery of procurement related tasks, better value for money, and greater likelihood that the important actions set out in the Procurement Strategy improvement plan will be delivered.

This will also ensure that the Procurement Strategy reflects the good practice recommended by the Local Government Association, and to reflect those ethical charters recommended to the Authority which support delivery of the Our North Tyneside Plan 2018-2021.)

### **CAB62/10/18 Senior Structure (All Wards)**

Cabinet received a report seeking approval for the proposed senior structure in the light of recent departures from the Senior Leadership Team and the need to support the Elected Mayor and Cabinet's future plans as part of a refreshed Our North Tyneside Plan.

The current and proposed senior structures were appended to the report at Appendix 1 and Appendix 2 respectively.

Cabinet considered the following decision options: to approve the proposed structure; or alternatively, to not approve the proposed structure and ask for further work to be done.

**Resolved** that the proposed senior structure of the Authority, set out at Appendix 2 to the report, be approved.

(Reason for decision: It has been tested with the Elected Mayor and Cabinet against their priorities. It has been discussed with the Senior Management Team and it represents value for money.)

### **CAB63/10/18 Corporate Risk Management (All Wards)**

Cabinet considered a report which detailed the corporate risks that had been identified for monitoring and management by the Authority's Senior Leadership Team and relevant Cabinet members. The report also provided detailed information on each risk and how it was being managed.

Cabinet considered the following decision options: To consider the information provided for each of the corporate risks and endorse the outcome of the latest review by the Authority's Senior Leadership Team; and after consideration of the detailed information provided for the corporate risks, suggest changes to the corporate risks and their controls.

**Resolved** that the latest review of key corporate risks undertaken by the Senior Leadership Team be endorsed.

(Reasons for decision: Each of the corporate risks has undergone substantial review and challenge as part of the corporate risk management process. This is designed to provide assurance that corporate risks and opportunities are being identified and appropriately managed.)

### **CAB64/10/18 Date and Time of Next Meetings**

Monday 19 November 2018 (Extraordinary meeting) – commencement time to be confirmed.  
Monday 26 November 2018 at 6.00pm (Ordinary meeting).

**Minutes published on Thursday 18 October 2018.**

**Unless called in by 3 Non-Executive Members for consideration by the Overview, Scrutiny and Policy Development Committee, the decisions contained within these Minutes may be implemented immediately following the expiry of the call-in period; i.e. 5.00pm on Thursday 25 October 2018.**