

Cabinet

14 October 2019

Present: Councillor B Pickard (Deputy Mayor) (in the Chair)
Councillors G Bell, S Cox, S Day, P Earley, R Glindon and
C Johnson

In Attendance: Amelie Ferris (Young Mayor)

CAB58/19 Apologies

Apologies for absence were received on behalf of Mrs N Redfearn (Elected Mayor), Councillors M Hall and C Burdis, Dawn McNally (Age UK) and Pauline Wonders (Voluntary and Community Sector).

CAB59/19 Declarations of Interest and Dispensations

Councillors R Glindon and B Pickard each declared a registerable personal interest in agenda item 11 Delivering Housing Growth through the North Tyneside Trading Company (CAB70/19), as they were both Directors of North Tyneside Trading Company and its subsidiary companies. A dispensation had been granted to both Councillors Glindon and Pickard in relation to their Trading Company appointments.

CAB60/19 Minutes

Resolved that the Minutes of the previous meetings held on 9 September (Ordinary) and 17 September 2019 (Extraordinary) be confirmed and signed by the Chair.

CAB61/19 Report of the Young Mayor

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

- During Local Democracy Week the youth councillors would be debating topics including climate change, period poverty and compulsory exercise for young people and taking part in a number of planned activities for the week, including Young Persons Question Time.
- The Make Your Mark consultation had ended and at the end of the process the British Youth Council would announce the overall result and the most important issues nationally would be debated by Members of UK Youth Parliament at the House of Commons on 8 November. From the responses the issue of most concern to young people in North Tyneside, with a massive majority, was the environment, including littering, single use plastic and recycling.
- The Young Mayor had attended a Soroptimist meeting in Cullercoats where the issue of female victims of trafficking had been discussed, and donations of clothing and toiletries made to Northumbria Police for passing onto the girls and women.

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- The Young Cabinet Member for Community Safety, Abbie Armstrong had led on the Community Safety Conference with Northumbria Police at the Langdale Centre involving students from North Tyneside and Northumberland. The students had taken part in workshops on knife crime, substance abuse, county lines, healthy relationships and the Prevent agenda. The conference had featured on Tyne Tees Television.
- The Tyne and Wear Transport Forum had met last month at Northumbria University where more work had been carried out on the website which would be launched in due course.
- Two members of the Young Cabinet had attended a workshop at Northumbria University to look at the curriculum for Student School Nurses, Health Visitors and Sexual Health Nurses.
- Regional Children in Care Ambassadors had delivered two workshops, one to Council leaders across the region at Durham County Hall, the other to 120 Independent Review Officers at the Stadium of Light as part of their annual conference where they had talked about their experience of being in care.

The Deputy Mayor thanked the Young Mayor for the report.

CAB62/19 2019/20 Local Government Association Corporate Peer Challenge – Report and Action Plan (All Wards)

Cabinet considered a report on the Local Government Association Peer Challenge that had taken place in North Tyneside between 18 – 21 June 2019 with experienced colleagues, led by a serving Chief Executive of a similar Authority and an Elected Mayor.

The site visit comprised of a range of meetings, focus groups and one to one discussions with a cross section of members, officers and partners.

From a combination of the background material provided to the Peer Team and discussions held with them the Team sought to answer five questions, which were a core component of all Peer Challenges:

- i. Understanding of the local place and priority setting
- ii. Leadership of place
- iii. Organisational leadership and governance
- iv. Financial planning and viability; and
- v. Capacity to deliver.

In answering the questions, the Peer Team were very positive about the Borough, the organisation and its partners. They saw North Tyneside as an attractive and vibrant place with members, staff, partners and residents all passionate about the Borough. They felt the Authority was effective, well led and well managed providing good quality services and with a very positive culture. They had identified successful regeneration across the Borough recognised by partners and residents.

Their recommendations focussed on four important areas; how the organisation told its story, explained its plans and aligned its enabling services against those plans; ensuring regeneration work was inclusive; making sure a four-year medium term financial plan was in

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place to deliver the priorities of the Elected Mayor and Cabinet, and maximising participation and influence in the North of Tyne Combined Authority.

The Peer Team had presented feedback to Cabinet Members and the Senior Leadership Team, and had also made some helpful recommendations for the Authority's future planning. The feedback session had been followed up with a written report which was attached at Appendix 1 to the report.

The detailed recommendations from the challenge were summarised in an action plan attached to the report at Appendix 2. As part of the peer challenge process, the Local Government Association provided further support, advice and guidance. The process also included a follow up visit which was expected to take place within the next two years. The Authority had already signalled it would take up this offer.

The Deputy Mayor, on behalf of the Elected Mayor, thanked everyone involved including Elected Members, staff and partners who had given their time and support to the review and Sarah Fish who had coordinated the arrangements for the review.

Cabinet considered the following decision options: either to note the findings and agree the action plan, or alternatively, to note the findings and not agree the action plan.

Resolved that (1) the Local Government Association Corporate Peer Challenge feedback report at Appendix 1 to the report, be noted;
(2) the action plan at Appendix 2 to the report, be approved.

(Reason for decision: The report is based on material provided by the Authority and extensive discussion with relevant members, officers, partners and residents; and the action plan is, in part, a response to the feedback report but is also aligned to the work set in train by the Elected Mayor and Cabinet as priorities for the new Chief Executive last summer.)

CAB63/19 North Tyneside Highway Asset Management Plan Annual Information Report 2019 (All Wards)

Cabinet received the North Tyneside Highway Asset Management Plan (HAMP) 2017-2032 Annual Information Report 2019 which summarised the work undertaken to demonstrate progress against delivery of performance of the Highway Management Plan during the past 12 months, future planned work activities and other items of relevant interest.

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. The HAMP 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.

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Currently the highway maintenance activities delivered through the HAMP were funded through a number of funding streams. Capital work was funded by the annual Local Transport Plan Maintenance Block and in recent years additional funding had been invested through the Authority's Investment Plan.

The HAMP Annual Information Report 2019 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.
- The current total value of highway assets was £1,832,000,000 (£1.832 billion).
- 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.
- The continued 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.
- 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 second cycle was due to be completed in October. The team would involve Elected Members in the development of the new risk-based gully cleansing strategy in order to compare the data with their experience.
- 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 the public's priorities for the Authority's highway maintenance efforts. These included continuing the improvements of residential and strategic roads and footways and improving the gully cleaning service.
- Following the publication of the revised national code of practice, Well-managed Highway Infrastructure, the Technical Partnership had completed the work of producing a new risk-based highway inspection policy. This had been approved by Cabinet in October 2018 and had now become embedded in operational procedures.

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- The Authority had delivered all programmed highway asset improvement schemes to date.

Resolved that the content of the North Tyneside Highway Asset Management Plan Annual Information Report 2019 be noted.

CAB64/19 Review of Hackney Carriage and Private Hire Licensing Policy (All Wards)

Cabinet considered a report which sought approval to commence public engagement on an updated Hackney Carriage and Private Hire Licensing Policy.

At its meeting on 1 April 2019, Cabinet had agreed that the North Tyneside Hackney Carriage and Private Hire Licensing Policy should be reviewed. The report outlined the context in which the review had commenced. The updated Policy would ensure that account was taken of the five principles of the North Tyneside Transport Strategy adopted by Cabinet on 8 May 2017, reflected the policies in the North Tyneside Local Plan and the recently adopted 'An Ambition for North Tyneside – Regeneration Strategy'.

A revised draft Policy for consultation purposes had been formulated and this was included in Appendix 1 to the report.

As well as updated legislation, the key amendments proposed to the Policy included:

- Expansion of licensing objectives to include environmental considerations;
- Allowing on line applications;
- Mandatory sign up by drivers/operators to the Disclosure and Barring Service Update Service; and
- Additional offences to be considered as part of the application process and the period of time that an applicant must be free from certain convictions before an application for a licence was granted.

In addition, it was proposed that consultation questions were asked on several other issues to gauge the views of the trade and wider community on some of the proposed elements of the Policy. These areas included:

- Use of in-car digital advertisements;
- Tinted windows when fitted as standard;
- Amendments to the knowledge test; and
- Introduction of a new objective - the promotion of environmental sustainability, along with age standards for new, replacement and renewal vehicles with lead in times.

A summary of these amendments was included in Appendix 2 to the report.

It was proposed that a process of public engagement on the proposed updated Policy would commence on 28 October 2019 for 8 weeks. This would include appropriate engagement through the Engagement Hub with residents and businesses including representatives of the taxi and PHV trade; Regulation and Review Committee; and all Members.

At the conclusion of the consultation period the draft Policy would be brought before Cabinet for its consideration on 24 February 2020. It was anticipated that the updated Policy would be in place to commence from 1 April 2020.

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The Deputy Mayor commented that officers had been asked to ensure the consultation should be undertaken as wide as possible with residents.

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 Head of Environment, Housing and Leisure be authorised to commence public consultation on the revised draft North Tyneside Hackney Carriage and Private Hire Licensing Policy at Appendix 1 to the report; and
(2) a further report be submitted to Cabinet at the conclusion of the public consultation process to seek approval to the adoption of the revised North Tyneside Hackney Carriage and Private Hire Licensing Policy.

(Reason for decision: To ensure that the existing Policy is refreshed in accordance with the commitment in the North Tyneside Transport Strategy. This will also ensure that the Policy remains transparent, accountable, proportionate and consistent.)

CAB65/19 Fostering Strategy 2019-21 (All Wards)

Cabinet considered a report seeking approval for the proposed Fostering Strategy 2019-22, attached at Appendix 1 to the report, which had been developed in consultation with foster carers and other stakeholders.

The Strategy sought to give effect to the Authority's duties under Section 22G of the Children Act 1989 which required the Authority to take steps to secure, so far as reasonably practicable, sufficient accommodation within the Authority's area which met the needs of children that the Local Authority cared for and whose circumstances were such that it would be consistent with their welfare for them to be provided with accommodation that was in the Local Authority's area (the so-called 'sufficiency duty').

Details of the consultation process, findings and implications were set out in Appendix 3 to the report.

The Strategy identified five key changes that the Authority's Fostering Service would implement if the Strategy was approved. Under the Strategy the Authority would:

- In line with the Our North Tyneside Plan to listen, consult more widely and more often - this element of the Strategy related to feedback from foster carers that their voice and experience had not been as central to developments in fostering as possible. The Fostering Strategy detailed a range of actions that would improve consultation and engagement with the Authority's fostering community. As with the consultation to inform the current improvements these consultation events would be supported by the participation and engagement service.
- Pay more and pay differently in order to establish transparency in finance and a competitive fostering payment structure to improve recruitment of foster carers - this element of the Strategy related to the need to respond to innovations by other providers in relation to payments to foster carers and the need for payments by the Authority to be competitive. The Strategy detailed a range of changes to the payments made to foster carers, most significantly linking payments to the skills of carers and training accessed. It

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also included uplifts in the amounts of some allowances, achieving parity with the payments made by other providers. These changes represented critical elements of the Authority's recruitment and retention effort.

The Fostering Framework, which set out the revised level of payments and the rationale for the introduction of Payments for Skills framework, was attached at Appendix 2 to the report.

- Offer more and better support, following the Our North Tyneside Plan to support people to be cared for and protected - this element of the Strategy related to the need for the Authority to be a Fostering Agency of choice for prospective foster carers. It detailed enhancements in the support that was offered to foster carers.
- Make the fostering role more visible and accessible as part of the corporate parenting responsibility of the whole Authority - this element of the Strategy related to the need for the Authority to be more active in marketing its need for and offer to prospective foster carers. It included the deployment of a dedicated advertising budget.
- Offer more training to more skilled carers in order to encourage and enable carers to meet the needs of vulnerable children young people - this element of the Strategy focused on the training offer to foster carers provided by the Authority. It detailed a competitive and compelling offer.

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

Resolved that approval be given to the Fostering Strategy 2019-22 and its implementation by the Head of Health, Education, Care and Safeguarding, as detailed within the report.

(Reasons for decision: In order to meet the Foster Care needs of the Borough.)

CAB66/19 Better Care Fund Plan for 2019/20 (All Wards)

Cabinet considered a report which sought approval of the proposed plan for the Better Care Fund (BCF) covering the financial year 2019/20.

The Better Care Fund Policy Framework for 2019/20 had been published on 10 April 2019 by the Department of Health and Social Care and the Ministry of Housing, Communities, and Local Government. The BCF, which had been in operation since 2015/16, was a government initiative to improve the integration of health and care services, with an emphasis on keeping people well outside of hospital and facilitating discharge from hospital.

The BCF created a pooled fund, managed jointly by the Authority and NHS North Tyneside Clinical Commissioning Group (CCG). The total value of the fund was £27,547,883, an increase of 14.1% over 2018/19.

CCGs were required to contribute a defined amount to the fund, to support adult social care. The resulting income from the NHS was £10.5 million. Together with the "Improved Better Care Fund", which was paid directly by Government to the Authority, the BCF supported 21% of adult social care revenue expenditure.

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BCF income helped to fund the Authority's community based social care services, such as reablement, immediate response home care, CareCall, and loan equipment/adaptations. It also contributed towards services to support carers, the Community Falls First Responder Service, and to independent living support for people with learning disabilities.

Government guidance for the BCF stated that 2019/20 was to be a year of minimal change for the BCF. The national conditions for the fund were unchanged. BCF plans were required to be signed off by Health and Wellbeing Boards (HWB), and the North Tyneside HWB had approved the BCF plan on 12 September 2019.

An allocation for winter pressures, which in 2018/19 had been paid direct to local authorities but not included in the BCF, was included in the BCF for 2019/20. In 2018/19 that money had been used to support short-term admissions to residential care (79% of the funds) and additional hours of home care support (21% of the funds). Both of these measures relieved pressure on the NHS by supporting discharge from hospital or avoiding admission to hospital.

The timetable for submitting a BCF plan was in advance of the timetable for agreeing a winter plan. Discussions with NHS and social care stakeholders had been organised by the Local Area Delivery Board (LADB) to progress a Winter Plan for 2019/20.

The BCF Partnership Board would take soundings from the LADB, to determine the most appropriate use of winter pressures funding to support the 2019/20 Winter Plan, as it was developed further.

The plan represented a natural progression from the 2017/18/19 plan, with some changes to take into account progress that had been made. Within the Future Care Programme, action was under way to further develop services for older people, which would lead to reconfiguration of some services included in the BCF, within the overall financial envelope set out in the BCF Plan. An Integrated Community Frailty Service for North Tyneside would be created through the reconfiguration of Care Point, Care Plus, Day Hospital services, and the intermediate care beds at Howdon and Royal Quays.

Further details on each of the key elements of the Framework were set out in the report.

Cabinet considered the following decision options: to accept the recommendations set out in paragraph 1.2 of the report; or alternatively, not to approve the recommendations and suggest an alternative approval mechanism to ensure that North Tyneside was able to meet the externally prescribed timetable for submission of the BCF plan to NHS England.

Resolved that (1) the arrangements and progress made to date in developing the Better Care Fund in North Tyneside be noted; and
(2) the Head of Health, Education, Care and Safeguarding, in consultation with the Chair of the Health and Wellbeing Board, the Cabinet Member for Adult Social Care and the Cabinet Member for Finance and Resources, be authorised to approve the final Better Care Fund plan on behalf of the Authority for submission to the Department of Health.
(Reasons for decision: The continuation of the Better Care Fund presents an opportunity to take forward the principles of the Health and Wellbeing Strategy. Delay in agreeing a plan for use of the Fund may lead to delays the release of funds by NHS England.)

CAB67/19 Council Tax Empty Homes Premium (All Wards)

Cabinet considered a report which sought approval to consult upon the introduction of a Council Tax premium for domestic properties that had been unoccupied and unfurnished for a period in excess of two years.

In the November 2017 Budget, the Chancellor of the Exchequer had announced the government's intention to legislate to bring the maximum charge for long term empty homes in England up to 200%.

Subsequently, changes in legislation enabled local authorities to increase Council Tax empty property premiums at the following rates:

- a) From 1 April 2019, a 100% Council Tax Premium for properties that had been unoccupied and unfurnished for more than two years.
- b) From 1 April 2020, a 200% premium on properties that had been empty for five years or more.
- c) From 1 April 2021, a 300% premium on properties that had been empty for ten years or more.

In North Tyneside, as at 1 September 2019, the total number of properties that could attract the Council Tax premium stood at 460. Of those properties 305 had been empty for a period of between 2 and 5 years, 104 properties empty for a period of between 5 and 10 years with 51 properties empty for more than 10 years. The breakdown of these empty properties by Council Tax band was shown in Table 1 of the report.

If the Council chose to implement a 100% premium for properties that had been unoccupied and unfurnished for a period in excess of two but less than five years a debit would be created as detailed in Table 2 of the report. If the Council also chose to implement a 200% premium for properties that had been unoccupied and unfurnished for a period in excess of five years a further additional debit would be created, as set out in Table 3 of the report.

From Tables 2 and 3 the total debit initially created based on the situation as at 1 September 2019 would amount to £635,357. As other local authorities had found some difficulty in collecting the premium, it was prudent to build in an allowance for non-collection. Assuming a collection rate of 85%, this would reduce the collectable debit to £540,053. Of this debit collected 12.2% would be collected on behalf of Northumbria Police and the Tyne and Wear Fire and Rescue Service as part of their Council Tax precept. This would reduce the North Tyneside Council element of the additional debit to £474,167.

The concept behind the introduction of Council Tax premiums was to encourage owners to bring their long-term empty properties back in to use by providing a financial disincentive for absentee landlords or owners to retain on a long term basis empty properties. It was therefore anticipated that if the initiative was successful the amount of additional Council Tax debit created would diminish considerably.

The majority of long-term empty properties in North Tyneside were in the lowest Council Tax band (A), often in the more deprived areas of the borough and if brought back in to occupation

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could be a useful source of more affordable housing. However, the potential benefits of the proposals did need to be considered in the context that in some areas where there might currently be a lower demand for rental properties, some owners may feel forced into letting properties to avoid paying the premium. This in turn could result in property management problems if properties were let to unsuitable tenants.

The report suggested that Cabinet may wish to consider proposing that some of the additional Council Tax income gained from introducing the premiums was used to support the initiatives already in place to tackle empty homes in the Authority's Housing and Regeneration Teams, as outlined in the report.

Cabinet considered the following decision options: to agree to carry out consultation on the introduction of Council Tax premiums and bring back results of the consultation to Cabinet for it to consider making proposals to full Council; or alternatively, to not approve the recommendations and ask that an alternative approach be considered.

Resolved that (1) the Authority carries out consultation on the introduction of Council Tax premiums and the results of the consultation be brought back to Cabinet for consideration; and (2) it be noted that any decision to introduce Council Tax premiums is the responsibility of Full Council.

(Reason for decision: Consultation will provide an opportunity for residents, landlords and other key organisations to express an opinion on the use of Council Tax premiums to bring long term empty properties back into use.)

CAB68/19 Chair's Announcement

The Deputy Mayor welcomed the three newly appointed North Tyneside Council Trainee Graduates who were in attendance - namely Eleanor Uren, Frankie Burrows and Kirstin Stevely. Eleanor would be working in HR on a student placement. Frankie and Kirstin had joined via the National Graduate Development Programme, Frankie would be working in HECS and Kirstin was working in Corporate Strategy and would be focusing on Customer Services. Together, the three of them would also be looking at the Council's future approach to graduate recruitment and development.

CAB69/19 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 3 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act.

(At this point Councillor B Pickard relinquished the chair to Councillor G Bell as he had earlier declared a registerable personal interest in relation to the following item).

CAB70/19 Delivering Housing Growth through the North Tyneside Trading Company Tyneside (Valley and Weetslade Wards)

Cabinet considered a report which sought approval for the Final Business Case prepared by Aurora Properties (Sale) Limited to develop seven executive homes for open market sale on the site of the former Backworth Primary School; and approval in principle to the development of the Annitsford Farm site through Aurora Properties (Sale) Limited for residential purposes; and to receive a further report on this scheme once the Final Business Case had been fully developed.

Cabinet considered the following decision options: 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 former Backworth Primary School site be declared surplus to requirements and approval be given to proceed with the demolition of the existing building, clearance of the site and to deal with all ancillary matters to ensure clean title;

(2) the development of the site be approved in line with the Final Business Case attached to the report at Appendix 3, subject to the necessary approvals from the Secretary of State;

(3) the Head of Commissioning and Asset Management, in consultation with the Elected Mayor, the Head of Law and Governance and the Head of Resources, be authorised to agree minor modifications to the Final Business Case provided it remains within the financial envelope as set out in the report;

(4) the Authority shall provide all necessary support to Aurora Properties (Sale) Limited, by way of finance, both debt and equity funding, in the most efficient manner, complying at all times with State aid Regulations, all other relevant legal requirements and the Authority's Constitution and Financial Regulations provided there are no additional financial implications for the Authority which cannot be contained within existing budgets, on such appropriate terms as approved by the Head of Resources, in consultation with the Head of Law and Governance;

(5) the Head of Commissioning and Asset Management, in consultation with the Elected Mayor, Head of Resources and Head of Law and Governance, be authorised to agree the terms of disposal of the site by private treaty, complete negotiations for the sale of the site to Aurora Properties (Sale) Limited in accordance with all relevant legal requirements, the Authority's Constitution and Financial Regulations; and

(6) the development of Annitsford Farm through Aurora Properties (Sale) Limited and / or Aurora Properties (Rental) Limited for residential purposes be approved in principle, dependent on a Final Business Case being approved by Cabinet at a future meeting.

(Reasons for decision: It will support the Mayoral priority as outlined in the Our North Tyneside Plan 2018-2020 that Our Places will be great places to live and offer a good choice of quality housing appropriate to need and deal with the vacant disused former school building to continue to develop places that people like living in and that will attract others to visit or work here.

The homes built for market sale are commercially viable and would potentially return a profit to Aurora Properties (Sale) Limited after repayment to the Authority of the loan and associated interest. Aurora Properties (Sale) Limited could then determine how this profit is used.

The increase of the supply of market homes will improve and benefit the area and support the local economy.)

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CAB71/19 Date and Time of Next Meeting

Monday 25 November 2019 at 6.00pm

Minutes published on Thursday 17 October 2019.

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 24 October 2019.