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All Members of the Council

My Ref: LCS-DLDS-DS-C-022
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Contact Rosalyn Patterson
Tel: 0191 4332088

Date: Wednesday, 13
September 2017

NOTICE OF COUNCIL MEETING

You are summoned to attend a meeting of Gateshead Metropolitan Borough Council to be held in the Council Chamber - Civic Centre, at **2.30 pm on Thursday, 21 September 2017** to transact the following business:-

1 To confirm the Minutes of the meeting held 20 July 2017 (Pages 3 - 12)

2 Official Announcements

(announcements may be made by the Mayor, Leader of the Council or the Chief Executive)

3 Beamish Museum Update Presentation

4 Petitions

(to receive petitions submitted under Council Procedure Rule 10)

5 Questions from Members of the Public

(to consider any questions submitted under Council Procedure Rule 7)

6 Gateshead Appointments to Northumberland, Tyne and Wear and North Durham Joint Health OSC (Pages 13 - 20)

- 7 Appointment of Independent Person and Independent Members to the Audit and Standards Committee (Pages 21 - 22)**

RECOMMENDATIONS FROM CABINET

- 8 Annual Report of the Audit and Standards Committee 2016/17 (Pages 23 - 32)**
- 9 Proposal to introduce charges for Food Hygiene Re-rating Visits (Pages 33 - 40)**
- 10 Introduction of a Dog Control Order (Pages 41 - 46)**
- 11 Report from the Cabinet (Pages 47 - 49)**

MOTIONS AND QUESTIONS

- 12 Notice of Motion**

(to consider any notices of motion submitted in accordance with Council Procedure Rule 9.1)

12a Notice of Motion - Tobacco Control (Pages 51 - 52)

12b Notice of Motion - Time to Change Pledge (Page 53)

12c Notice of Motion - Eve Trew School of Dance (Page 55)

- 13 Questions**

(to deal with any questions submitted in accordance with Council Procedure Rule 8.1)



Sheena Ramsey
Chief Executive

GATESHEAD METROPOLITAN BOROUGH COUNCIL

COUNCIL MEETING

Thursday, 20 July 2017

PRESENT: THE MAYOR COUNCILLOR P DILLON (CHAIR)

Councillors: J Green, A Thompson, J Adams, R Beadle, D Bradford, M Brain, L Caffrey, B Clelland, S Craig, W Dick, S Dickie, C Donovan, A Douglas, D Duggan, K Ferdinand, P Foy, M Gannon, A Geddes, B Goldsworthy, M Goldsworthy, M Graham, T Graham, L Green, S Green, G Haley, M Hall, S Hawkins, M Hood, L Kirton, J Lee, P Maughan, K McCartney, J McClurey, J McElroy, C McHatton, E McMaster, P McNally, P Mole, R Mullen, B Oliphant, C Ord, I Patterson, S Ronchetti, C Simcox, J Simpson, J Turnbull, J Wallace, N Weatherley and A Wheeler

APOLOGIES: Councillors: C Bradley, M Charlton, P Craig, D Davidson, K Dodds, M Foy, J Graham, M Henry, H Haran, J Kielty, C McHugh, M McNestry, M Ord and K Wood

CL19 TO CONFIRM THE MINUTES OF THE MEETING HELD 16 JUNE 2017

COUNCIL RESOLVED - That the minutes of the meeting held on 16 June 2017 be approved.

CL20 OFFICIAL ANNOUNCEMENTS

There were no official announcements.

CL21 PETITIONS

There were no petitions submitted.

CL22 QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions submitted by members of the public.

CL23 CHANGES TO THE CABINET

Council was advised on the changes to Cabinet.

COUNCIL RESOLVED - That the information be noted.

CL24 SUBSTANCE MISUSE STRATEGY 2017-2022

Consideration was given to a report seeking approval of a Substance Misuse Strategy and action plans for 2017-2022.

COUNCIL RESOLVED - That the Substance Misuse Strategy 2017-2022 be approved.

CL25 REVENUE BUDGET - OUTTURN POSITION 2016/17

Council considered a report on the revenue outturn position for the financial year 2016/17 and the appropriations to and from reserves.

COUNCIL RESOLVED - (i) That the 2016/17 revenue outturn position of the Council as an under spend of £1.305m, subject to audit, be noted.
(ii) That the appropriations to and from reserves be approved.

CL26 CAPITAL PROGRAMME AND PRUDENTIAL INDICATORS 2016/17 – YEAR END OUTTURN

Consideration was given to a report that informed of the 2016/17 capital programme and the impact of CIPFA's Prudential Code on the programme.

COUNCIL RESOLVED - (i) That all variations to the 2016/17 capital programme be approved.
(ii) That the financing of the 2016/17 capital programme be approved.
(iii) That the capital expenditure and capital financing requirement indicators have been revised in line with the revised budget and that none of the approved Prudential Indicators set for 2016/17 have been breached.

CL27 TREASURY ANNUAL REPORT 2016/17

Consideration was given to a report seeking approval of the Treasury Annual Report for 2016/17.

COUNCIL RESOLVED - That the Treasury Annual Report for 2016/17 be approved.

CL28 IMPLEMENTATION OF PROCUREMENT PROTOCOLS

Consideration was given to a report seeking approval for the adoption of two new protocols for Off Payroll Working and Trade Union Commissioning and Procurement.

- COUNCIL RESOLVED -
- (i) That the Protocols be adopted and implemented across the Council.
 - (ii) That an amendment to the Constitution to provide for the Protocols be approved.
 - (iii) That training, linked to the Workforce Plan, be developed and that this be mandatory for all officers involved in procurement.
 - (iv) That approval be given to the Service Director, Corporate Commissioning and Procurement, to make minor amendments to the protocols and to dual badge them with the name of the Council and the Gateshead Housing Company, if appropriate.

CL29 REVIEW OF APPROACH TO TRADING AND COMMERCIALISATION

Consideration was given to a report seeking approval of new arrangements to promote and advance an enhanced strategic approach to trading and commercialisation across the Council.

- COUNCIL RESOLVED -
- That the management structure changes be approved, to be effective from 1 August 2017 or such later date determined by the Chief Executive, following further consultation with the Council's recognised trade unions and the Leader of the Council.

CL30 REVIEW OF ELECTORAL ARRANGEMENTS

Consideration was given to a report to determine whether it is appropriate to take action to effect changes to the Council's current electoral arrangements.

Councillor J Wallace moved the following amendment:

'In recommendation delete "not" in the first line; in 2nd line replace "nor promote" with "and promotes"; in 3rd line replace "or" with "leading to a".

In accordance with Council procedure rule 20.2, ten Councillors stood at the meeting and requested a recorded vote on the amendment.

Councillors for the Recommendation:- R Beadle, S Craig, D Duggan, S Hawkins, P Maughan, J McClurey, C McHatton, C Ord, I Patterson and J Wallace.

Councillors Against the Recommendation:- J Adams, D Bradford, M Brain, L Caffrey, B Clelland, W Dick, S Dickie, P Dillon, C Donovan, A Douglas, K Ferdinand, P Foy, M Gannon, A Geddes, B Goldsworthy, M Goldsworthy, M Graham, T Graham, J Green, S Green, L Green, G Haley, M Hall, M Hood, L Kirton, J Lee, K McCartney, J McElroy, E McMaster, P McNally, P Mole, R Mullen, B Oliphant, S Ronchetti, C Simcox, J Simpson, J Turnbull, A Thompson, N Weatherley and A Wheeler.

On the amendment being put it was defeated.

A recorded vote on the original recommendation was taken.

Councillors for the Recommendation:- J Adams, D Bradford, M Brain, L Caffrey, B Clelland, W Dick, S Dickie, P Dillon, C Donovan, A Douglas, K Ferdinand, P Foy, M Gannon, A Geddes, B Goldsworthy, M Goldsworthy, M Graham, T Graham, J Green, S Green, L Green, G Haley, M Hall, M Hood, L Kirton, J Lee, K McCartney, J McElroy, E McMaster, P McNally, P Mole, R Mullen, B Oliphant, S Ronchetti, C Simcox, J Simpson, J Turnbull, A Thompson, N Weatherley and A Wheeler.

Councillors Against the Recommendation:- R Beadle, S Craig, D Duggan, S Hawkins, P Maughan, J McClurey, C McHatton, C Ord, I Patterson and J Wallace.

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The original recommendation was put as the substantive motion.

COUNCIL RESOLVED - That it does not pursue a change to a whole council scheme of elections nor promote via a request to the Boundary Commission for England for an electoral review, or reduction in the number of councillors.

CL31 MEDIUM TERM FINANCIAL STRATEGY 2018/19 - 2022/23

Consideration was given to a report seeking approval of the Medium Term Financial Strategy 2018/19 to 2022/23.

COUNCIL RESOLVED -

- (i) That the Medium Term Financial Strategy for 2018/19 to 2022/23 including the proposed MTFs principles be approved.
- (ii) That the outcome of the review to both general fund and strategic earmarked Council reserves be noted and approved:

- the remaining of the Development Pool Reserve to Workforce Development Reserve and the increased scope of the reserve to include training and development to support activity within the workforce plan;
- to increase the scope of the deployment of the Economic Growth Reserve to include culture, place shaping and the facilitation to housing growth within the Borough;
- creation of a new Strategic Revenue Investment Reserve of £4.206m from the £2.897m Airport Dividend and the £1.309m former Strategic Change Reserve;
- creation of a new Voluntary Sector Reserve using £0.500m earmarked from the general reserve to support development and activity in this sector; and
- creation of a new Anti-Poverty Reserve using £1.000m earmarked from the general reserve to mitigate the impact of poverty and social exclusion.

(iii) That the Strategic Director, Corporate Resources, following consultation with the Chief Executive, will continue to keep under review and update the MTFS as appropriate to respond to Government policy and funding announcements.

(iv) That the Strategic Director, Corporate Resources, following consultation with the Chief Executive will continue to keep under review and update the Medium Term Financial Strategy as appropriate to respond to Government policy and funding announcements.

CL32 CAPITAL PROGRAMME AND PRUDENTIAL INDICATORS 2017/18 - FIRST QUARTER REVIEW

Consideration was given to a report that informed of the latest position on the 2017/18 capital programme and Prudential Indicators at the end of the first quarter to

30 June 2017. The report assessed the variances from the approved programme and detailed the proposed financing of the capital programme. The report also considered the impact of CIPFA's Prudential Code on the capital programme and the monitoring of performance against the statutory Prudential Indicators.

- COUNCIL RESOLVED -
- (i) That all variations to the 2017/18 Capital Programme be approved as the revised programme.
 - (ii) That financing of the revised programme be approved.
 - (iii) That it be confirmed that the capital expenditure and capital financing requirement indicators have been revised in line with the revised budget and that none of the approved Prudential Indicators set for 2017/18 have been breached.

CL33 REVENUE BUDGET - FIRST QUARTER REVIEW 2017/18

Consideration was given to a report that informed of the latest position on the 2017/18 revenue budget at the end of the first quarter to 30 June 2017 and sought approval of a revision to the net revenue budget for 2017/18.

- COUNCIL RESOLVED -
- (i) That the revenue expenditure position at 30 June 2017 be noted.
 - (ii) That an amendment to the net revenue budget for 2017/18 from £197.486m to £202.649m to account for the IBCF funding be approved.
 - (iii) That the administrative virements outlined in the report be approved.

CL34 REVIEW OF THE COUNCIL'S OVERVIEW AND SCRUTINY ARRANGEMENTS

Consideration was given to a report seeking approval of changes to overview and scrutiny arrangements.

- COUNCIL RESOLVED -
- That the revised overview and scrutiny arrangements as set out in the report be approved, subject to them being reviewed after six months.

CL35 REVIEW OF THE COUNCIL'S CONSTITUTION

Consideration was given to a report seeking approval of a number of amendments to the Constitution.

COUNCIL RESOLVED - That the proposed changes to the Council's Constitution as set out in the report, be approved.

CL36 REVIEW OF PAY PROTECTION

Consideration was given to a report seeking approval for changes to the Council's policy for pay protection.

COUNCIL RESOLVED - That the proposal outlined in the report be approved.

CL37 CONSULTATION RESPONSE TO GATESHEAD'S SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) STRATEGY

Consideration was given to a report informing of the findings from a consultation exercise on the draft Special Educational Needs and Disabilities (SEND) Strategy and seeking approval of the final strategy.

COUNCIL RESOLVED - That the SEND Strategy and the key areas for action outlined in the report, together with its publication, be approved.

CL38 REPORT FROM THE CABINET

The Leader of the Council reported on a number of key issues currently affecting the Council.

COUNCIL RESOLVED - That the information be noted.

CL39 NOTICE OF MOTION - ETHICAL CARE CHARTER

Councillor M Brain moved the following motion:

“Council recognises the crucial importance of maintaining high standards of domiciliary care. Council therefore commits to adopting stages 1 and 2 of the UNISON Ethical Care Charter, and to working with partners towards achieving Stage 3 of this Charter.

On the motion being put it was declared to be carried.

CL40 NOTICE OF MOTION - NJC PAY

Councillor M Gannon moved the following motion:

“This council notes that:

- NJC basic pay has fallen by 21% since 2010 in real terms
- NJC workers had a three-year pay freeze from 2010-2012
- Local terms and conditions of many NJC employees have also been cut, impacting on their overall earnings
- NJC pay is the lowest in the public sector
- Job evaluated pay structures are being squeezed and distorted by bottom-loaded NJC pay settlements needed to reflect the increased National Living Wage and the Foundation Living Wage
- There are growing equal and fair pay risks resulting from this situation

This council therefore supports the NJC pay claim for 2018, submitted by UNISON, GMB and Unite on behalf of council and school workers and calls for the immediate end of public sector pay restraint. NJC pay cannot be allowed to fall further behind other parts of the public sector. This council also welcomes the joint review of the NJC pay spine to remedy the turbulence caused by bottom-loaded pay settlements.

This council also notes the drastic ongoing cuts to local government funding and calls on the Government to provide additional funding to fund a decent pay rise for NJC employees and the pay spine review.

This council therefore resolves to:

- Call immediately on the LGA to make urgent representation to Government to fund the NJC claim and the pay spine review and notify us of their action in this regard
- Write to the Prime Minister and Chancellor supporting the NJC pay claim and seeking additional funding to fund a decent pay rise and the pay spine review
- Meet with local NJC union representatives to convey support for the pay claim and the pay spine review.”

On the motion being put it was declared to be carried.

CL41 NOTICE OF MOTION - COOPERATIVES AND MUTUALS

Councillor D Duggan moved the following motion:

“This Council recognises the important contribution that cooperatives and mutuals make to the North East, including a number of award winning enterprises like Care and Share Associates.

This Council believes that cooperatives and mutuals can foster democratic participation in the workplace and endorses the values and principles of the

International Cooperative Alliance.

We call on Gateshead Council to:

- (a) explore joining the Co-operative Councils' Innovation Network and,
- (b) examine Gateshead Council's engagement with the cooperative and mutual sector in Gateshead and make recommendations for the sector's potential growth."

On the motion being put it was declared to be carried.

CL42 NOTICE OF MOTION - NORTHUMBRIA POLICE

Councillor P Foy moved the following motion (altered in accordance with Council Procedure Rule 12.2):

"Gateshead Council is concerned at the decision by Northumbria Police to alter Gateshead Police Station opening hours to the public from a 24/7 service to 8.00 am to 8.00 pm seven days a week.

Northumbria Police has an excellent record of putting localism and neighbourhood policing to the forefront of their activities. However, we do not believe that these principles are reflected in these plans.

Residents in Gateshead rightly expect to be able to contact the police in time of personal difficulty. Residents attending police stations, at whatever time of day, have the right to expect that they will receive a professional service. This is particularly the case where members of the public are fleeing domestic violence, hate crime and human-trafficking.

The council recognises the enormous pressure on Northumbria Police that damaging cuts imposed by central government have had since 2010.

However, we call upon the Chief Executive to write to both Northumbria Police and the PCC to ask that this decision be reviewed, including full consultation with all stakeholders and an examination of all potential alternative options."

On the motion being put it was declared to be carried.

CL43 QUESTIONS

There were no questioned submitted.

Mayor.....

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Gateshead Appointments to Northumberland, Tyne and Wear & North Durham Joint Health OSC

Sheena Ramsey, Chief Executive

Mike Barker, Strategic Director, Corporate Services and Governance

EXECUTIVE SUMMARY

1. Council is asked to endorse the establishment of a Joint Health Overview and Scrutiny Committee under the provisions of the Health and Social Care Act 2012, involving all local authorities affected by the Northumberland, Tyne and Wear and North Durham Sustainability and Transformation Plan and any associated proposals for major service change and appoint three councillors to the Joint Committee in line with the rules on political balance.

BACKGROUND

2. In December 2015, the NHS shared planning guidance 2016-17 – 2020/21 outlined a new approach to help ensure that health and care services were built around the needs of local populations. To do this, every health and care system in England, involving local organisations such as NHS providers, commissioners and local authorities, were asked to produce a multi-year Sustainability and Transformation Plan (STP) showing how local services would evolve and become sustainable over the next five years – ultimately delivering the NHS Five Year Forward View vision of better health, better patient care and improved NHS efficiency.
3. The region is covered by two separate STP's. One covering Northumberland, Tyne and Wear and North Durham and a southern STP covering Durham, Darlington, Teesside, Hambleton, Richmondshire and Whitby
4. The two draft STPs were published in November 2016.
5. Currently there is no requirement, under legislation, for local authorities in the above area to establish a Joint OSC to scrutinise the STP, as the STP in its current format does not represent a major service change. However, under the Regulations local authorities can choose to establish a Joint Committee if it is considered that it is the best way of considering how the needs of a local population which happens to cross local authority boundaries are being met.
6. Where proposals represent a major service change to service provision, Overview and Scrutiny has a statutory role in considering whether any proposed developments are in the best interests of the health service in their area (National Health Service Act 2006 as amended by the Health and Social Care Act 2012).

7. Regulations also specify that where a relevant NHS Body or health service provider consults more than one local authority's health scrutiny function about proposals for major service changes there is a requirement for a mandatory joint health scrutiny committee to consider and respond to the consultation (The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
8. It is considered that in the longer term the issues and challenges set out in the STP are likely to lead to some proposals for major service changes and that some of these proposals for change will cross local authority boundaries from across the patch in some form or other and so warrant a mandated Joint Scrutiny Committee at that time.
9. A Joint Health OSC established initially for the specific purpose of scrutinising matters / major service changes as a result of the Better Health Programme, a major transformation programme to improve the quality of health services across County Durham and Darlington and Tees Valley, has recently had its remit extended to include scrutiny of the STP covering South Durham, Darlington, Teesside, Hambleton, Richmondshire and Whitby.
10. Having regard to the above, local authorities affected by the Northumberland, Tyne and Wear and North Durham STP provisionally agreed to establish a joint Health OSC to oversee the development of the STP and any associated proposals for substantial variation and development to health services contained therein or resulting therefrom.
11. In accordance with the above regulations the new Joint Committee will be the vehicle through which the respective local authorities respond to any consultation on the STP or associated proposals for major service changes.
12. It will be the role of Gateshead's Care, Health and Wellbeing OSC to provide information and representations in respect of any consultation as it impacts on residents of Gateshead, to Gateshead's nominated representatives on the Joint Committee.
13. Gateshead's Care, Health and Wellbeing OSC has subsequently endorsed this proposal at its meeting on 12 September 2017.
14. The protocol and terms of reference for the proposed Joint Committee are attached at Appendix 1 and they set out the role and function of the Joint Committee as well as the proposed representation required from each Council.

RECOMMENDATIONS

15. Council is recommended to appoint three representatives to the above Joint Committee in line with the rules on political balance.

Protocol for a Joint Health Scrutiny Committee

Northumberland, Tyne and Wear and North Durham STP

1. This protocol provides a framework under the Local Authority (Public Health, Health and Wellbeing Boards and Public Health) Regulations 2013 for considering and providing a formal consultation response in relation to the Northumberland, Tyne and Wear and North Durham Sustainability and Transformation Plan and any associated proposals for substantial development and variation to health services contained therein or resulting therefrom. The proposals affect the Northumberland CCG, Tyne and Wear CCGs and the North Durham CCG area of County Durham. They are being proposed by the following:
 - Newcastle Gateshead CCG
 - North Durham CCG
 - North Tyneside CCG
 - Northumberland CCG
 - South Tyneside CCG
 - Sunderland CCG
2. The terms of reference of the Joint Health Scrutiny Committee is set out at **Appendix 1**.
3. A Joint Health Scrutiny Committee (“the Joint Committee”) comprising Durham County Council; Gateshead BC; Newcastle City Council; North Tyneside BC; Northumberland County Council; South Tyneside BC and Sunderland City Council (“the constituent authorities”) is to be established in accordance with the Regulations for the purposes of formal consultation by the relevant NHS Bodies in relation to the matters referred to at paragraphs 1. In particular in order to be able to:-
 - (a) respond to the draft STP consultation and any associated proposals for substantial development and variation to health services contained therein or resulting therefrom;
 - (b) require the relevant NHS Bodies to provide information about the proposals;
 - (c) require members/employees of the relevant NHS Bodies to attend before it to answer questions in connection with the consultation.
4. The Joint Committee formed for the purpose of the consultation outlined at paragraph 1 will, following approval of this protocol and terms of reference at its first meeting, circulate copies of the same to:-

Local Authorities

Durham County Council; Gateshead BC; Newcastle City Council; North Tyneside BC; Northumberland County Council; South Tyneside BC and Sunderland City Council;

Clinical Commissioning Groups

Newcastle Gateshead CCG
North Durham CCG
North Tyneside CCG
Northumberland CCG
South Tyneside CCG
Sunderland CCG

NHS Foundation Trusts

City Hospitals Sunderland NHS Foundation Trust
County Durham and Darlington NHS Foundation Trust
Gateshead Health NHS Foundation Trust
Newcastle-upon-Tyne Hospitals NHS Foundation Trust
Northumbria Healthcare NHS Foundation Trust
South Tyneside NHS Foundation Trust
Northumberland, Tyne and Wear NHS Foundation Trust
Tees, Esk and Wear Valleys NHS Foundation Trust
North East Ambulance Foundation Trust

Membership

5. The Joint Committee will consist of equal representation, with three representatives to be appointed by each of the constituent authorities.
6. The term of office for representatives will be for the period from the date of their appointment by their constituent authorities until their relevant authority's next annual council meeting. If a representative ceases to be a Councillor, or wishes to resign from the Joint Committee, the relevant council shall inform the joint committee secretariat and the replacement representative shall serve for the remainder of the original representative's term of office.
7. To ensure that the operation of the Joint Committee is consistent with the Constitutions of all the constituent authorities, those authorities operating a substitution system shall be entitled to nominate substitutes.
8. The Joint Committee may ask individuals to assist it (in a non-voting capacity) and may ask independent professionals to advise it for the purposes of the consultation process.
9. The quorum for meetings of the Joint Committee shall be a minimum of one member representative from each of the constituent authorities.

Chair and Vice-Chair

10. For the purposes of the consideration of the Sustainability and Transformation Plan (Draft and Final) the Chair of the Joint Committee will be a Member representative from [XXXX] and the Vice-Chair will be a Member representative from [XXXX]. The Chair will not have a second or casting vote.
11. If the agreed Chair and Vice-Chair are absent from a meeting, the Joint Committee shall appoint a member to chair that meeting from the representatives present who are members of the same constituent Council as the Chair.

12. For the purposes of the consideration any proposals for substantial development and variation to health services contained within or resulting from the Sustainability and Transformation Plan (Draft and Final), the Committee will be chaired from one of the affected local authority areas.

Terms of Reference

12. The Joint Committee will be the formal consultee under the Regulations and the Directions for the purposes of the consultation by the relevant NHS Bodies concerning those matters outlined at paragraphs 1. Terms of reference are set out at Appendix 1.

Administration

13. Meetings shall be held at the times, dates and places determined by the Chair in consultation with each of the constituent authorities.
14. Agendas for meetings shall be determined by the secretariat in consultation with the Chair.
15. Notice of meetings of the Joint Committee will be sent to each member of the Joint Committee at least 5 clear working days before the date of the meeting and also to the Chair of the constituent authorities' relevant overview and scrutiny committees (for information). Notices of meetings will include the agenda and papers for meetings. Papers "to follow" should be avoided where possible.
16. Minutes of meetings will be supplied to each member of the Joint Committee and to the Chairs of the constituent authorities' relevant overview and scrutiny committees (for information) and shall be confirmed at the next meeting of the Joint Committee.

Final Report and Consultation Response

17. The relevant NHS body are required to notify the Joint Committee of the date by which its consultation response is required, and the date by which it intends to make a decision. The Guidance highlights that it is sensible for the Joint Committee to be able to consider the outcome of public consultation before it makes its consultation response.
17. The Joint Committee is independent of its constituent councils, executives and political groups and this independence should not be compromised by any member, officer or relevant NHS bodies. The Joint Committee will send copies of its final report and formal consultation response to the relevant NHS Bodies and the constituent authorities.
18. The primary objectives of the Joint Committee will be to reach consensus, but where there are any aspects of the consultation as regards which there is no consensus, the Joint Committee's final report and formal consultation response will include, in full, the views of all of the constituent authorities, with the specific reasons for those views, regarding those areas where there is no consensus, as well as the constituent authorities' views in relation to those matters where there is a consensus.

Following the Consultation

19. Any next steps following the initial consultation response will be taken with due reference to the 'Local Authority Health Scrutiny: Guidance to support Local Authorities and their partners to deliver effective health scrutiny' (Department of Health; June 2014).

Principles for joint health scrutiny

20. In scrutinising the proposals, the joint committee will aim to consider the proposal from the perspectives of all those affected or potentially affected by that proposal.
21. The constituent authorities and the relevant NHS Bodies will be willing to share knowledge, respond to requests for information and carry out their duties in an atmosphere of courtesy and respect in accordance with their codes of conduct. Personal and prejudicial and/or disclosable pecuniary interests will be declared in all cases in accordance with the code of conduct and Localism Act 2011.
22. The Joint Committee's procedures will be open and transparent in accordance with the Local Government Act 1972 and the Access to Information Act 1985 and meetings will be held in public. Only information that is expressly defined in regulations to be confidential or exempt from publication will be able to be considered in private. Papers of the Joint Committee may be posted on the websites of the constituent authorities as determined by them.
23. Communication with the media in connection with the Joint Committee's views will be handled in conjunction with each of the constituent local authorities' press officers.

Joint Health Scrutiny Committee

Northumberland, Tyne and Wear and North Durham STP

Terms of Reference

1. To consider the Northumberland, Tyne and Wear and North Durham Sustainability and Transformation Plan (hereafter called STP)
2. To consider proposals for substantial development and variation to health services as contained in and/ or developed from the STP and as proposed by the following:
 - Newcastle Gateshead CCG
 - North Durham CCG
 - North Tyneside CCG
 - Northumberland CCG
 - South Tyneside CCG
 - Sunderland CCG
3. To consider the following in advance of the formal public consultation:
 - The aims and objectives of the STP;
 - The plans and proposals for public and stakeholder consultation and engagement;
 - Any options for service change identified as part of the STP including those considerations made as part of any associated options appraisal process.
4. To consider the STP's substantive proposals during the period of formal public consultation, and produce a formal consultation response, in accordance with the protocol for the Joint Health Scrutiny Committee and the consultation timetable established by the relevant NHS Bodies.
5. In order to be able to formulate and provide views to the relevant NHS bodies on the matters outlined above, the Joint Committee may:-
 - a) require the relevant NHS Bodies to provide information about the proposals the subject of the consultation with the constituent local authorities and the Joint Committee; and
 - b) require an officer of the relevant NHS Bodies to attend meetings of the Joint Committee, in order to answer such questions as appear to them to be necessary for the discharge of their functions in connection with the consultation.
6. To ensure the formal consultation response of the Joint Committee includes, in full, the views of all of the constituent authorities, with the specific reasons for those views, regarding those areas where there is no consensus, as well as the constituent authorities' views in relation to those matters where there is a consensus.
7. To oversee the implementation of any proposed service changes agreed as part of the STP process.
8. The Joint Committee does not have the power of referral to the Secretary of State.

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COUNCIL MEETING

21 September 2017

Appointment of Independent Person and Independent Members to the Audit and Standards Committee

Sheena Ramsey, Chief Executive

Mike Barker, Strategic Director, Corporate Services and Governance

EXECUTIVE SUMMARY

1. Council is asked to approve the appointment of an Independent Person for standards of conduct issues affecting Council and Parish Council Members and three Independent Members to the Audit and Standards Committee.

BACKGROUND

2. The Council on 19 July 2012 appointed Anthony Atkinson as its Independent Person for standards of conduct issues affecting Council and Parish Council Members for a three year period. Council subsequently agreed to extend this appointment for a further two years. As Mr Atkinson's term of office was due to expire a recruitment process was undertaken. The opportunity was also taken to carry out a similar process for the Independent Member positions on the Audit and Standards Committee.
3. A Panel consisting of the Chair and Vice Chair of the Audit and Standards Committee, together with the Deputy Monitoring Officer and Deputy Strategic Director, Corporate Resources interviewed applicants for these positions on 27 July and 3 August 2007.
4. Following the recruitment processes the Panel identified Mr Atkinson as the most suitable person for the Independent Person position. The Panel also agreed that two of the existing Independent Members of the Audit and Standards Committee, Bryn Jones and George Clark, should re-appointed to the positions and that a new Independent Member, Stuart Bell, should be appointed.

RECOMMENDATIONS

5. Council is recommended to approve:
 - (i) The re-appointment of Anthony Atkinson as the Independent Person for standards of conduct issues for a further period of four years.
 - (ii) The re-appointment of Bryn Jones and George Clark as Independent Members of the Audit and Standards Committee for a further period of four years and the appointment of Stuart Bell to the other Independent Member position for the same period.

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COUNCIL MEETING

21 September 2017

**ANNUAL REPORT OF THE AUDIT AND STANDARDS
COMMITTEE 2016/17**

Sheena Ramsey, Chief Executive

EXECUTIVE SUMMARY

1. The purpose of this report is to endorse the annual report of the Audit and Standards Committee for 2016/17.
2. In line with best practice, the Audit and Standards Committee is required to report on its activity each year. The report for 2016/17 was agreed by the Audit and Standards Committee on 24 July 2017.
3. The Cabinet has considered the facts and issues arising from the report including alternative options and took all relevant advice before formulating their recommendation.

RECOMMENDATION

4. It is recommended that Council endorse the annual report of the Audit and Standards Committee for 2016/17.

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TITLE OF REPORT: Annual Report of the Audit and Standards Committee 2016/17

REPORT OF: Darren Collins, Strategic Director, Corporate Resources

Purpose of the Report

1. Cabinet is asked to consider the Audit and Standards Committee Annual Report for 2016/17 and agree that this report is submitted to Council.

Background

2. In line with best practice the Audit and Standards Committee is required to report to Cabinet and Council on the Committee's activity each year. The report for 2016/17 was agreed by the Audit and Standards Committee on 24 July 2017.

Proposal

3. Cabinet is asked to consider the Audit and Standards Committee's annual report at Appendix 2 and agree to submit it to Council. The report provides an overview on the work of the Audit and Standards Committee during 2016/17, and describes how it has had a positive impact on governance, financial reporting and audit issues across the Council, as well as providing challenge and independent assurance on the risk management framework and associated internal control environment.

Recommendation

4. It is recommended that Cabinet endorse the annual report of the Audit and Standards Committee for 2016/17 and agree that it is submitted to Council.

For the following reason:

To strengthen the Council's arrangements for oversight by councillors of governance, audit, risk management, the internal control framework, value for money and efficiency.

Policy Context

1. The proposal supports the vision for Gateshead as outlined in the Sustainable Communities Strategy, Vision 2030 and the Council Plan. In particular, it supports the priority to ensure a sustainable Gateshead by building capacity across the Council and ensuring the best use of resources.

Background

2. In line with best practice, the Audit and Standards Committee is required to submit an annual report to Cabinet and Council, and also any further reports and recommendations as it sees fit. The areas of activity of the Audit and Standards Committee during 2016/17 are set out in the Annual Report.

Contents of the Report

3. Appendix 2 outlines the activity which the Audit and Standards Committee has covered over the last year.
4. The Audit and Standards Committee has received reports in the following areas:
 - Internal Audit planning, performance and activity;
 - Annual Internal Audit benchmarking results;
 - Internal Audit recommendations;
 - Review of Internal Audit Charter and compliance with Public Sector Internal Audit Standards;
 - External Audit planning, performance and activity;
 - Corporate Risk Management and Resilience activity;
 - The Annual Governance Statement and supporting evidence;
 - Audit Completion Report and Council Statement of Accounts;
 - External Auditor appointments beyond 1 April 2018;
 - Treasury Management Policy and mid-year update; and
 - Local Code of Governance update
5. There were no reports in year which were specific to Standards issues. No complaints have been received under the Member's Code of Conduct, that required investigation, nor was there any guidance or best practice issued during the year that warranted a report. The Monitoring Officer is responsible for maintaining and promoting high standards within the Council and he and his staff have contributed to the Audit work on good governance particularly those matters relating to the Corporate Risk Management activity and the Annual Governance Statement.
6. Based on the evidence presented during the year and at the meeting of the Audit and Standards Committee on 19 June 2017 it was concluded that the Council's system of internal control and governance framework is

effective. This was demonstrated through the approval of the Annual Governance Statement for 2016/17, which accompanies the Statement of Accounts.

Consultation

7. The Audit and Standards Committee considered and agreed the contents of this report at their meeting of 24 July 2017.

Alternative Options

8. There are no alternative options.

Implications of Recommended Option

9. Resources:

- a) **Financial Implications** - The Strategic Director, Corporate Resources confirms that there are no financial implications arising from this report.
 - b) **Human Resources Implications** – There are no human resources implications arising from this report.
 - c) **Property Implications** –. There are no property implications arising from this report.
10. **Risk Management Implications** - The Audit and Standards Committee receives quarterly reports on risk management and has been instrumental in championing risk awareness training for councillors.
 11. **Equality and Diversity Implications** – there are no equality and diversity implications arising from this report.
 12. **Crime and Disorder Implications** – There are no crime and disorder implications arising from this report.
 13. **Health Implications** – There are no health implications arising from this report.
 14. **Sustainability Implications** – There are no sustainability implications arising from this report.
 15. **Human Rights Implications** – There are no human rights implications arising from this report.
 16. **Area and Ward Implications** – There are no area and ward implications arising from this report.
 17. **Background Information** – Report of the Audit and Standards Committee meeting on 24 July 2017.

1. Contents of the Report to Cabinet and Council – 2016/17

1.1 The areas of activity considered by the Audit and Standards Committee during 2016/17 are set out below.

2. Internal Audit planning, performance and activity

- 2.1 As at 31 March 2017 92% of the Internal Audit Plan was completed, which resulted in 60 audit reports. Of these reports 55 (92%) found systems to be operating well or satisfactory, with 5 (8%) reporting systems having significant weaknesses, of which one was in relation to schools.
- 2.2 All recommendations are followed-up as part of the Internal Audit process and the Audit and Standards Committee will monitor the outcomes.
- 2.3 Based on this evidence arising from Internal Audit activity during 2016/17, the Council's internal control systems and governance and risk management arrangements are considered to be effective.
- 2.4 The Internal Audit Service has also co-ordinated the Council's National Fraud Initiative (NFI) work and has supported Council managers with irregularity, e-mail, internet and other disciplinary investigations on an ongoing basis during 2016/17, with quarterly updates to Audit and Standards Committee.
- 2.5 Other reports received during 2016/17 relating to Internal Audit included the CIPFA Benchmarking Results for 2015/16. The Audit and Standards Committee also approved the Audit Strategy and Plan.
- 2.6 The Audit and Standards Committee will continue to monitor Internal Audit's progress on a quarterly basis against the 2017/18 Audit Plan.

3. External Audit planning, performance and activity

- 3.1 The following external audit reports have been reviewed over the year:
- Annual audit fee levels for 2016/17;
 - Certification of grant claims and returns; and
 - Audit Strategy for 2016/17.
- 3.2 The Committee was also asked to consider how it exercises oversight of certain key management processes in relation to some specific areas of governance with a potential to impact upon the financial statements during 2016/17. This was a requirement to satisfy the external auditors that such oversight was in place in order to comply with International Auditing Standards. The Committee agreed that an effective level of oversight was in place.

4. Corporate Risk Management and Resilience activity

- 4.1 The Committee receives quarterly reports on the assurance derived from risk management. These reports make Councillors aware of the arrangements that exist within the Council for managing risk, the impact that these have had and the plans for further development of risk management arrangements.

5. The Annual Governance Statement and supporting evidence

- 5.1 The Annual Governance Statement for 2016/17 concluded that the Council's system of internal control, risk management and governance framework is effective.
- 5.2 The Audit and Standards Committee approved the Annual Governance Statement for 2016/17 at its meeting on 19 June 2017, following a review of the evidence detailed below in Sections 6 - 14, and evidence seen by the Committee during the year.

6. Cabinet Members

- 6.1 Assurance was sought from Members of the Cabinet on the effectiveness they felt could be placed on the Council's corporate governance arrangements. They concluded that effective governance arrangements are in place.

7. Senior Managers

- 7.1 Service Directors completed self-assessment assurance statements detailing the level of assurance obtained from their key control processes. The conclusion of this exercise found that senior managers agreed that effective control systems were in place overall. These areas will be examined as part of the 2017/18 Audit Plan and the outcomes reported to the Audit and Standards Committee in July 2017.

8. Internal Audit

- 8.1 The Internal Audit Service has undertaken audit work throughout the year based on the risk based audit plan. In addition the Council has a framework of assurance available to satisfy it that risks have been properly identified and are being managed by controls that are adequately designed and effective in operation. This includes assurance from a variety of sources other than the Internal Audit Service. These other audit systems have been assessed, as part of the Audit Plan.
- 8.2 Based on this audit activity the overall opinion of the Chief Internal Auditor for the year 2016/17 was that internal control systems and risk management and governance arrangements are effective.

- 8.3 The Internal Audit Charter was revised to include the Mission of Internal Audit and Core Principles for the Professional Practice on Internal Auditing to reflect their incorporation into the revised PSIAS with effect 1 April 2016. The revised Internal Audit Charter was reported to Audit and Standards Committee 3 October 2016 who approved the revisions to comply with Public Sector Internal Audit Standards.
- 8.4 A review of the effectiveness of Internal Audit has also been undertaken for 2016/17 in line with the Accounts and Audit Regulations 2015. This review focused upon compliance with the Public Sector Internal Audit Standards and the CIPFA Statement on the Role of the Head of Internal Audit, reliance placed by the external auditor on Internal Audit's work, an assessment of the effectiveness of the Audit and Standards Committee and relevant local performance information. Based on the review the Council's system of Internal Audit was considered to be operating effectively.

9. Risk Management

- 9.1 Risk management is embedded in the Council through a Corporate Risk Management Policy which includes the requirement to identify strategic and operational risks, assess those risks for likelihood and impact, identify mitigating controls and allocate responsibility for those controls. The Council maintains and reviews a register of its business risks, linking them to strategic business objectives and assigning ownership for each risk.
- 9.2 The Strategic Director, Corporate Resources reported that risk management arrangements during the year were effective.

10. Performance Management and Data Quality

- 10.1 The Council has a Corporate Performance Management Framework which helps it deliver the priorities within the Council Plan. The monitoring of performance takes place at key performance points as identified in the framework including quarterly performance reported to Group Management Teams and Corporate Senior Officer meetings.
- 10.2 In addition performance is also monitored, measured, challenged and scrutinised on a six monthly basis at Cabinet and respective Overview and Scrutiny Committees.
- 10.3 Based on evidence arising from the performance management process for 2016/17 effective controls are in place.

11. Views of the External Auditor and other External Inspectors

- 11.1 Mazars, the Council's external auditor, issued an Annual Audit Letter covering the financial year 2015/16. This comprised of two elements: the audit of the Council's financial statements and an assessment of the Council's arrangements to achieve value for money in its use of

resources. An unqualified opinion was given in both of these areas for 2015/16.

- 11.2 The outcome and findings of the audit of the Council's Statement of Accounts 2015/16 by the Council's external auditor, Mazars, along with the audited Statement of Accounts, were reported to the Audit and Standards Committee 25 July 2016. Mazars issued an unqualified opinion on the Statement of Accounts, and concluded that the Council has proper arrangements in place to secure economy, efficiency and effectiveness in its use of resources. The Committee noted the contents of the report and resolved that the Accounts Committee be advised that they had no issues to raise on the outcomes and findings of the Council's Statement of Accounts 2015/16 by Mazars.
- 11.3 Other external inspectorates' reports have been issued from time to time on management and governance arrangements to the Council.

12. The Legal and Regulatory Framework

- 12.1 Assurance has been obtained from the Strategic Director, Corporate Services and Governance as the Monitoring Officer who has a legal duty to ensure the lawfulness and fairness of decision-making within the Council. The Council has a Constitution in place and compliance with established policies, procedures, laws and regulations is ensured by the requirement to give the Strategic Director, Corporate Services and Governance the opportunity to comment on every report submitted to a decision-making body.

13. Financial Controls

- 13.1 Assurance has been obtained from the Strategic Director, Corporate Resources, who is designated as the responsible officer for the administration of the Council's financial affairs under Section 151 of the Local Government Act 1972, that financial controls are effective. Systems in place include Financial Regulations, the opportunity to comment on the financial implications of committee reports, monitoring meetings and evidence from internal and external audit.

14 Partnerships

- 14.1 Service Directors review partnerships within their service plans on an annual basis. As partners are key to the delivery of the Council's objectives assurance of their control and governance systems is required. Service Directors have also been required to provide assurance on governance arrangements through their self-assessment statements and all Services are required to identify, through their business plans, where delivery of activity could impact on partnership working.
- 14.2 Based on evidence arising from partnerships for 2016/17 effective controls are in place.

15. Other Reports

15.1 Treasury Management Policy & Strategy & Six Monthly Update

In line with CIPFA's Code of Practice on Treasury Management the Annual Treasury Policy and Strategy are reviewed by the Audit and Standards Committee prior to being reported to Cabinet and Council. A six monthly position is also reported through the Audit and Standards Committee to highlight progress on investment performance and borrowing.

15.2 Local Code of Governance Update

The Council has a local code of governance which was originally presented to the Audit Committee in April 2007. In line with good practice the document should be reviewed regularly and the Audit and Standards Committee were asked to consider an updated version on 6 March 2017 and a proposed approach to development of the new CIPFA Framework, which they agreed. A fundamental review and redraft of the Council's Local Code of Governance to get the best value from the CIPFA guidance issued in April 2016, Delivering Good Governance in Local Governance: Framework is a planned action in the Annual Governance Statement.

15.3 External auditor appointments beyond 1 April 2018

The Committee received a report informing of the optional arrangements for the appointment of external auditors for the financial year beginning 1 April 2018. The Committee reviewed the options and commented that the Option to opt in to a sector led body that will negotiate contracts and make an appointment on behalf of councils (thus removing the need to set up an Independent Auditor Panel) was the preferred option. This was then reported to Cabinet and Council recommending to approve the proposed arrangement, following which the formal notice of acceptance of the invitation to opt in was submitted to Public Sector Auditor Appointments (PSAA).



COUNCIL MEETING

21 September 2017

PROPOSAL TO INTRODUCE CHARGES FOR FOOD HYGIENE RE-RATING VISITS

Sheena Ramsey, Chief Executive

EXECUTIVE SUMMARY

1. The purpose of this report is to endorse the introduction of a charge for undertaking Food Hygiene Rating Scheme re-rating visits.
2. The Environmental Health Team undertakes inspection of food premises and generate ratings within the Food Hygiene Rating Scheme (FHRS), operated by the Food Standards Agency. Premises are scored between 0 and 5 based on how well they comply with the food hygiene requirements.
3. Businesses are entitled to request a re-rating visit once they have undertaken the necessary works to improve their score. Local authorities are permitted to charge a fee for undertaking these visits.
4. Environmental Health have evaluated the actual cost of undertaking a re-rating visit and this amounts to £160. Payment of the fixed fee will be required prior to the re-rating visit being carried out.
5. The Cabinet has considered the facts and issues arising from the report including alternative options and took all relevant advice before formulating their recommendation.

RECOMMENDATION

5. It is recommended that Council approves the implementation of a charge of £160 for undertaking an FHRS re-rating.

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TITLE OF REPORT: **Proposal to introduce Charges for Food Hygiene Re-rating Visits**

REPORT OF: **Paul Dowling, Strategic Director, Communities and Environment**

Purpose of the Report

1. To ask Cabinet to recommend the Council to agree to the introduction of a new charge for undertaking Food Hygiene Rating Scheme re-rating visits carried out by the Environmental Health Team within the Development, Transport and Public Protection service.

Background

2. The Environmental Health Team undertakes inspections of food premises under the Food Safety Act 1990. As part of these inspections officers assess compliance with food safety requirements and from this they generate the premises rating within the Food Hygiene Rating Scheme (FHRS). FHRS is a scheme operated by the Food Standards Agency and provides food businesses with a score from 0 to 5 based on how well they comply with the food hygiene requirements. A score of 0 means that there are major concerns about hygiene at the premises and a score of 5 means the premises operates to a very high standard.
3. Since the commencement of the scheme in Gateshead there has been a steady improvement in the food hygiene standards within Gateshead businesses. There has also been an increase in public interest in the scores and initiatives undertaken by the Food Standards Agency continue to promote the scheme. A recent study showed that 80% of people check the ratings of restaurants before deciding where to eat.
4. Once they are given their rating businesses have an option to appeal and in such cases the inspection is reviewed by a manager and either confirmed or amended. If no appeal is lodged then the business is considered to have accepted their rating. No appeals have been lodged in Gateshead since commencing the scheme in April 2012.
5. Businesses given a score of less than 5 must maintain the score for a minimum of 3 months. They are then entitled to request a re-rating visit if they have undertaken the necessary works to improve their score.
6. While all FHRS ratings in the UK are available online, in Northern Ireland and Wales the display of the FHRS rating on the premises is mandatory and as such businesses there are more likely to request a re-rating visit if they are awarded a low score. Since mandatory display was introduced these local authorities have been able to charge for a re-rating visit and the average charge levied in Wales is £150. In England re-ratings are outside of the statutory duty to inspect food businesses, as such a local

authority is permitted to charge a fee for undertaking these visits under the Localism Act. A benchmarking exercise across the Tyne & Wear Authorities shows a charging range from £157 to £170, with the majority charging £160.

7. In Gateshead we undertake approximately 600 inspections per year and from these we are asked to undertake about 12 re-rating visits per year.
8. The Food Standards Agency are proposing legislation that will require the mandatory display of Food Hygiene Ratings in England. This will increase the demand for re-rating visits as businesses are more likely to want a high rating score.
9. Environmental Health have undertaken an exercise to evaluate the actual cost of undertaking a re-rating visit including administrative and travelling costs and the time to undertake the visit. This amount to £160.
10. The Council can recover the costs for a re-rating visit without imposing excessive costs to businesses. Payment of the fixed fee will be required prior to the re-rating visit being carried out, so there will be no cost recovery issues.

Proposal

11. It is proposed that the Council introduces a charge of £160 for FHRS re-rating.

Recommendation

12. It is recommended that Cabinet recommend the Council to approve the implementation of a charge of £160 for undertaking an FHRS re-rating.

For the following reason:

So that the full cost recovery can be made for this non-statutory work.

Policy Context

1. The work of the Environmental Health team is directly linked to Vision 2030, Gateshead Strategic Partnerships vision for Gateshead. In particular it contributes to the goal of Gateshead being a healthy, inclusive and nurturing place for all.
2. The work of the Environmental Health team also contributes directly to the Council Plan 2015 – 2020 and in particular the theme of Live Well Gateshead. The ambition of Live Well Gateshead is to encourage people to choose to lead healthy lifestyles. The work of the Environmental Health Team in particular ensures the safety, hygiene and standards of food produced, supplied and consumed in Gateshead and by controlling food and water-borne illness.

Consultation

3. The Cabinet Members for Health and Wellbeing have been consulted.

Alternative Options

4. The alternative to charging for FHRs re-rating is to carry this non-statutory work within the existing resources of the team.

Implications of Recommended Option

4. Resources

- a. **Financial Implications** – The Strategic Director, Corporate Resources, confirms that the introduction of a charge of £160 per FHRs re-rating will generate additional income, estimated at c.£5,000 per annum, to the existing revenue budget.
- b. **Human Resources Implications** - There are no human resource implications arising directly from this report.
- c. **Property Implications** - There are no property implications arising directly from this report
5. **Risk Management Implications** – There are no risk management implications arising directly from this report
6. **Equality and Diversity Implications** – An Equality Impact and Needs Assessment of these plans has indicated a neutral impact.
7. **Crime and Disorder Implications** – There are no crime and disorder implications arising directly from this report.
8. **Health Implications** – There are no health implications arising directly from this report

9. **Sustainability Implications** – There are no sustainability implications arising directly from this report.
10. **Human Rights Implications** – There are no human resource implications arising directly from this report.
11. **Area and Ward Implications** - This report affects all wards equally

FHRS Re-Rate Charges - North East Food Liaison Group

Authority	FHRS Re-Rate Request Charge
Durham	£170.00
Gateshead	£162.72
Newcastle	£160.00
North Tyneside	£157.55
Northumberland	£168.00
South Tyneside	£160.00
Sunderland	£160.00

Note: For a breakdown of charge calculations please see individual LA sheet

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COUNCIL MEETING

21 September 2017

INTRODUCTION OF A DOG CONTROL ORDER

Sheena Ramsey, Chief Executive

EXECUTIVE SUMMARY

1. The purpose of this report is to seek approval for a consultation on the introduction of a Dog Control Order to be carried out.
2. In order to ensure the Council is in a position to adopt any potential changes to the dog control legislation it is proposed that a Dog Control Order is made and the most recent legislation is adopted.
3. It is proposed that a Dog Control Order be introduced to require; the removal of dog faeces from land, to put a dog on a lead when requested and to keep a dog on a lead at all times in cemeteries and school sites within the Borough.
4. The penalty for breaching the Order is a fine of up to £1000 on conviction or a Fixed Penalty Notice of £80.
5. The Cabinet has considered the facts and issues arising from the report including alternative options and took all relevant advice before formulating their recommendation.

RECOMMENDATION

6. It is recommended that Council:
 - (i) Consults for a period of six weeks on the introduction of a Dog Control Order in line with Table 1 of the attached report, subject to exemptions as appropriate for assistance dogs.
 - (ii) Subject to no representation being received within the consultation period, adopt the Order.
 - (iii) In the event that objections to the proposed Order are received, be presented with a further report to Cabinet and Council.

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TITLE OF REPORT: Introduction of a Dog Control Order

REPORT OF: Paul Dowling, Strategic Director, Communities and Environment

Purpose of the Report

1. The report asks Cabinet to recommend that a consultation on the introduction of a Dog Control Order is carried out and in the absence of any representations being received that the Order is adopted.

Background

2. The Council is responsible for the control of dogs within the Borough. In April 2017 the Government announced a consultation on amending the legislation associated with dog control. The legislation relating to dog control was updated in 2005 with the earlier provisions from 1996 continuing until such time as the later legislation is adopted.
3. Therefore in order that the Council is in a position to adopt any potential changes to the dog control legislation it is proposed that a Dog Control Order is made and the most recent legislation is adopted.

Requirements of the Order

4. A Dog Control Order can be made in respect of any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment).
5. A Dog Control Order can impose control in respect of any or all of the following 5 points, these are:
 - (a) failing to remove dog faeces;
 - (b) not keeping a dog on a lead;
 - (c) not putting, and keeping, a dog on a lead when directed to do so by an authorised officer;
 - (d) permitting a dog to enter land from which dogs are excluded; and
 - (e) taking more than a specified number of dogs onto land.
6. A Dog Control Order may provide exemptions in particular cases for registered blind people, and other people with disabilities who make use of trained assistance dogs. Anyone other than a registered deaf person (whose disability will not prevent him or her from being aware of and removing dog faeces) is similarly exempt from a Dog Control Orders on the fouling of land.

Proposal

7. It is proposed that the Council introduce a Dog Control Order with the following requirements:

Table 1

Requirement	Area Covered
To remove dog faeces from land	Boroughwide
To put a dog on a lead when requested	Boroughwide
To keep a dog on a lead at all times	All Cemeteries and School sites within the Borough

The penalty for breaching the Order is a fine of up to £1000 on conviction or a Fixed Penalty Notice of £80.

Recommendations

8. It is recommended that Cabinet recommend to full Council that:
- i) The Council consults for a period of six weeks on the introduction of a Dog Control Order in line with Table 1 above, subject to exemptions as appropriate for assistance dogs.
 - ii) Subject to no representations being received within the consultation period, the Order is adopted.
 - iii) In the event that objections to the proposed Order are received that a further report be presented to Cabinet and Council.

For the following reason:

In order to support the protection of the environment in Gateshead through the use of an effective enforcement toolkit which reflects the seriousness with which residents view the issues and allows Officers to take robust action where required.

CONTACT: John Bradley extension: 3905

APPENDIX 1

Policy Context

1. Of particular relevance are two of the big ideas in Vision 2030 Sustainable Gateshead and Active and Healthy Gateshead. These big ideas are about making Gateshead more sustainable and making Gateshead one of the healthiest communities in the country. This means looking at how we use and protect our public spaces to encourage people to use them to take up opportunities to improve their health and lifestyle.
2. Within the Council Plan the two themes of Live Love Gateshead and Live Well Gateshead are relevant. Under the heading of Live Love Gateshead the Council's ambition is to encourage people to look after their own area in order to support them in doing this the Council need to have the powers available to take robust action against those who pollute and degrade the environment. Under the heading of Live Well Gateshead, the Council is encouraging people to lead healthier lives. This requires use of the public realm for a variety of purposes, including utilising more health modes of transport and exercising. In order to ensure the public realm is safe, attractive and ready for use the deterrent of formal enforcement action needs to be present to dissuade people from doing the wrong thing and in doing so making areas less attractive and therefore less likely to be used.

Background

3. Dog Control Orders were introduced within the Clean Neighbourhood and Environment Act 2005 to replace the provisions of the Dog (Fouling of Land) Act 1996 which continue until such time as a Dog Control Order is adopted. The Government is now suggesting changes to legislation which would make it prudent for the Council to have a Dog Control Order in place to take advantage of those changes. If enacted, the changes will help the Council provide a more robust response to the issue of dog fouling

Consultation

4. The Cabinet Members for Environment & Transport and Communities & Volunteering have been consulted.

Alternative Options

5. There are is one alternative option which is to continue utilising the provisions of the Dog (Fouling of Land) Act 1996. However, it is likely these provisions will cease to have effect at some point in the future which may mean the Council is unable to effectively tackle dog fouling. There is also a risk that the changes in legislation which are currently out to consultation could not be adopted by the Council if no Dog Control Order is in place. Finally the use of the Dog (Fouling of Land) Act 1996 does not give such a useful degree of control, for example the ability to require dogs to be on leads in certain locations.

Implications of Recommended Option

6. Resources

- a. **Financial Implications** – The Strategic Director, Corporate Resources, confirms that there are no additional financial implications arising from this report.
- b. **Human Resources Implications** - There are no human resource implications arising directly from this report.
- c. **Property Implications** - There are no property implications arising directly from this report

7. **Risk Management Implications** – Failure to deliver statutory responsibilities may result in government intervention.

8. **Equality and Diversity Implications** – An Equality Impact and Needs Assessment of these plans has indicated a neutral impact.

9. **Crime and Disorder Implications** – There are no crime and disorder implications arising directly from this report.

10. **Health Implications** – It is hoped that by improving the quality and attractiveness of the public realm people will be encouraged to use it for bona fide purposes which include walking, cycling and exercising.

11. **Sustainability Implications** – There are no sustainability implications arising directly from this report.

12. **Human Rights Implications** – There are no human rights implications arising directly from this report.

13. **Area and Ward Implications** - This report affects all wards equally

Background material

- PSPO consultation response summary
- Residents survey 2016 results
- Government Litter Strategy for England Consultation



COUNCIL MEETING

21 September 2017

GATESHEAD COUNCIL

REPORT FROM THE CABINET

1. PURPOSE OF THE REPORT

This is the report from the Cabinet. Its purpose is to report on issues for the period July – September 2017.

PROGRESS ON KEY ISSUES

2. PEOPLE

Children and Young People

Adult Social Care

National Learning Disability and Autism awards

The Council was successful at the recent National Learning Disability and Autism Award held in Birmingham on 21 July 2017. Out of the 6 individuals/services representing Gateshead, New Vision enterprise won the 'Breaking Down Barriers' award with the judges remarking that they "shone through as an organisation that has vision, creativity and passion". Julie Todd won the 'Support Worker of the Year' award for her role with GATES. The judges said "Julie captivated the judges with her passion and commitment to making people with learning difficulties more visible within Gateshead. Julie assesses, understands and empowers people to gain meaningful employment and is clear in her drive to prove and increase employment opportunities within the area".

National Games

38 Special Olympics Gateshead Tyne & Wear athletes were selected to represent the Northern region at the Special Olympics Great Britain National Games in Sheffield on from 7 - 12 August 2017. Gateshead Tyne & Wear athletes represented the region in 8 sports: Aquatics, Athletics, Boccia, Cycling, Football, Judo, Powerlifting and Ten Pin Bowling. In total, 52 medals were awarded – 17 Gold, 19 Silver and 16 Bronze.

In addition, David Martin, one of the Special Olympics Gateshead Tyne & Wear powerlifters has been chosen to represent the Special Olympics GB team at the Commonwealth Powerlifting Championships, which is in South Africa in September 2017.

3. PLACE AND ECONOMY

Housing

Council Housing Demand at Year End 2016/17

There has been a significant reduction in numbers of applicants on the Council's housing register. At year end there were 6,727 applicants requesting rehousing in Gateshead compared to 10,179 at the end of previous year. During the same period numbers on the Tyne and Wear register also reduced from 36,276 to 29,163. From the 6,727 applicants seeking homes in Gateshead 674 (10%) have been assessed as having a recognised housing need. Demand remains strong for two bed bungalows and family homes.

During the year there was an increase in the number of council tenancies ending up to 1,948 from 1,839 in the previous year. At year end there were 502 vacant council properties compared to 441 at the end of the previous year. 124 of these empty homes (25% of all vacant properties) were located in four blocks: Eslington Court, Redheugh Court, Regent Court and Warwick Court.

The Homelessness Reduction Act

The Homelessness Reduction Act received Royal Assent on 27 April 2017 and has an anticipated commencement date of April 2018. The Act has 13 new clauses and puts prevention of homelessness on a statutory footing. The Code of Guidance which will accompany the Act is expected in late 2017.

Council Rent Arrears at Year End 2016/17

Current rent arrears increased in 2016/17 from £2,199,664 to £2,317,108 at year end (an increase of 5.34%). The pattern of increased rent arrears has continued since 2013 although the result for 2016/17 is still within the target set. 2016/17: Performance 2.59%. Target = 3% as a proportion of the annual rent roll.

During 2016/17 there was slight reduction in the number of tenancies affected by the under-occupancy penalty, the figure was down to 2,231 at year end from 2,272 at the start of the year. The impact of under occupation continues to be mitigated by payment of Discretionary Housing Payments (DHP). On average throughout the year, 770 tenants were in receipt of a DHP payment in any one week with a total of £496,567 paid to rent accounts over the year.

At year end there were 312 council tenants on Universal Credit who owed a total of £198,641 (average arrears of £637). The main reason for arrears is the six week delay between making a claim and receiving the first payment. The Council is monitoring the collection rate for tenants in receipt of Universal Credit. For example in month April 2017 tenants on Universal Credit paid 89.6% of the rent due, compared to 99% for all tenants. The roll out to Gateshead of Universal Credit "full service" will take place from October 2017.

Economy

Skills Programme for Marginalised Young People

Working in partnership with Gateshead College, the Council is looking at interventions specifically for young people between 16 and 18 years old at risk of or having offended and young people in the care system, aged over 16. An accredited programme has been developed and will be piloted in October 2017.

The programme will mainly focus on employability skills, occupational studies, advice and guidance around career development, next steps and planning. On completion of the programme, the young people will be offered route ways, dependent upon their

level, to either further education/training, employment opportunities such as apprenticeships, traineeships or sector based work academies.

4. COMMUNITIES

Communities and Volunteering

Crime and Anti-Social Behaviour Update

Recorded crime in Gateshead has increased by 22% in the four months to July 2017. Although this is an increase, this is smaller than the increase recorded on the whole of the Northumbria Force Area (+27%)

To help address these increases, the following action has been taken:

- Funding has been secured from the Office of the Police and Crime Commissioner to deliver a project within Accident and Emergency at the Queen Elizabeth Hospital until April 2020. The aim of the project is to increase domestic abuse provision in health and will include training for staff in Accident and Emergency, Maternity and Gynaecology
- A refreshed Substance Misuse strategy and action plan has been approved by the Community Safety and Health and Wellbeing boards. These documents set out the activities that will be undertaken locally in Gateshead to address drug and alcohol abuse
- A task and finish group has been established to address the offending behaviour of some of the most complex offenders in the Borough. Working with partners, including those from the voluntary sector, officers develop action plans tailored to each individual to ensure that the offender's vulnerability is effectively captured and addressed, which in turn leads to a more efficient way of tackling the root cause of the offending behaviour
- A number of engagement activities have been carried out to offer reassurance to residents so they can be confident partners are working together. We have held a Community Safety Awareness Event at Saltwell Park, a targeted disruption operation in the East of the Borough and a number of focus groups with BME residents to capture their thoughts and feelings about safety in their neighbourhood

5. CONCLUSION

The Council is asked to note this report.

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COUNCIL MEETING

21 September 2017

GATESHEAD METROPOLITAN BOROUGH COUNCIL

NOTICE OF MOTION

Councillor M Foy will move the following motion:

The Council welcomes the Government's Tobacco Control Plan for England, "Towards a Smokefree Generation" published in July 2017. Its ultimate aim of a smoking prevalence of 5% is worthy and the Plan should be commended for promoting comprehensive tobacco control strategies. It calls for a shift in emphasis from national to local action in order to achieve its aims. However, there are gaps and the Plan comes at a time when Councils and the NHS face difficult funding challenges.

Since the launch of Fresh in 2005, Gateshead has been at the forefront of local comprehensive tobacco control and through an Alliance of passionate people has done much to reduce tobacco harm. This approach led Gateshead to sign up in 2014 to a commitment to reach 5% smoking prevalence by 2025 – an ambition which makes the Tobacco Plan aim of 12% prevalence by 2022 appear unambitious.

In Gateshead, 17.9% (around 29,000 of our adult population) still smoke. The Council recognises that this remains the greatest single cause of preventable death. It underlies suffering from diseases and disability, and is a key determinant of inequalities. The cost to the NHS in Gateshead of treating diseases arising from smoking is £9.92 million pounds per year. One Gateshead resident dies every 20 hours as a result of tobacco dependence.

This Council urgently calls on the Government to consider how best to support local momentum and build on the achievements of the past ten years by:

- ensuring that tobacco companies pay for the harm they cause through the introduction of a levy on the 'polluter pays' principle which can fund action to reduce tobacco harm
- introduce a national licensing scheme to help eliminate the illegal trade in illicit tobacco and strengthen action on the sale of tobacco to children

Additionally, the Council commits to undertake a "Year of Action" to highlight the harms arising from tobacco use and what's happening in Gateshead to counteract them.

Proposed by: Councillor M Foy
Seconded by: Councillor M Brain
Supported by: Councillor J Adams
Councillor G Haley



COUNCIL MEETING

21 September 2017

GATESHEAD METROPOLITAN BOROUGH COUNCIL

NOTICE OF MOTION

Councillor M Foy will move the following motion:

The Council recognises the impact that mental health issues have on residents and employers in Gateshead. Mental illness brings with it costs not only to individuals and their families, but also to society as a whole with the costs of mental ill health to the economy in England estimated at £105 billion.

Mental health is an issue Gateshead Council can't afford to ignore; just over 27% of staff absences were related to Stress Anxiety and Depression from April 2016 to 31 March 2017.

Looking after the mental health of your employees makes business sense and tackling stigma can make a real difference to; sickness absence rates, presenteeism levels, staff wellbeing and productivity, and retention. Time to Change <https://www.time-to-change.org.uk/> gives a framework to tackle stigma with the employer signing a pledge and developing a Seven Point action plan. Since signing the Employer Pledge, 95% of employers said it had a positive impact on their organisation.

The Council notes the potential health benefits to its residents and employees from engaging with Time to Change and recognises the support they will provide to develop an action plan and over the first year to get our workforce talking about mental health.

The Council commit to normalising the conversation about mental health in the workplace and additionally the Council commits to sign a Time To Change pledge, marking the commitment with a public signing of the pledge at an event at St James's Park, Newcastle on 09 October 2017.

Proposed by: Councillor M Foy
Seconded by: Councillor M Brain
Supported by: Councillor J Adams
Councillor G Haley
Councillor M McNestry

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COUNCIL MEETING

21 September 2017

GATESHEAD METROPOLITAN BOROUGH COUNCIL

NOTICE OF MOTION

Councillor S Craig will move the following motion:

Gateshead Council notes that the Eve Trew School of Dance celebrates its 60th Anniversary this month.

Countless thousands of Gateshead children and generations of families have benefitted from the School's work since it began in 1957.

The Eve Trew School of Dance has and continues to make significant contributions to the cultural and artistic life of the borough and is an institution of which we are all rightly proud.

We hereby record our congratulations on this marvellous achievement to Eve Tre MBE and all those who have worked with her for the past 60 years.

We call upon the Council's Communications Team to promote this anniversary and upon the Borough's MPs to put down an Early Day Motion in recognition.

Proposed by: Councillor S Craig

Seconded by: Councillor M Brain

Supported by: Councillor S Hawkins
Councillor D Duggan

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