

CABINET AGENDA

Tuesday, 19 December 2017 at 10.00 am in the Blaydon Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item Business

1 Apologies for absence

2 Minutes (Pages 5 - 16)

Cabinet is asked to approve as a correct record the minutes of the last meeting held on 21 November 2017.

Key Decision

3 Academy Conversion of the Behaviour Support Service Property Update
(Pages 17 - 22)

Report of the Strategic Directors, Corporate Services & Governance and Care, Wellbeing & Learning

Recommendations to Council

4 Establishment of post: Director of Joint Commissioning, Performance and Quality (Care, Wellbeing & Learning) (Pages 23 - 28)

Report of the Chief Executive

5 Centrally Employed Teachers' Pay Policy 2017 (Pages 29 - 58)

Report of the Strategic Director, Corporate Services and Governance

6 Brownfield Land Register and Permission in Principle (Pages 59 - 82)

Report of the Strategic Directors, Corporate Services & Governance and Communities & Environment

7 Early Help Strategy (Pages 83 - 102)

Report of the Strategic Director, Care, Wellbeing and Learning

Non Key Decisions

8 Families Overview and Scrutiny Committee - Edge of Care Review (Pages 103 - 114)

Report of the Strategic Director, Care, Wellbeing and Learning

9 Strategic Resilience and Emergency Planning Framework (Pages 115 - 132)

Report of the Strategic Director, Communities and Environment

10 Provision of an In House On-Street Environmental Enforcement Service (Pages 133 - 142)

Report of the Strategic Director, Communities and Environment

11 Chopwell and Sustainable Communities Plan (Pages 143 - 152)

Report of the Strategic Director, Communities and Environment

12 Gateshead Fund 2017/18 - Round Two Applications (Pages 153 - 168)

Report of the Strategic Director, Communities and Environment

13 Enterprise Zone: Business Rate Growth Income Pooling Agreement (Pages 169 - 212)

Report of the Strategic Director, Corporate Services and Governance

14 Responses to Consultation (Pages 213 - 226)

Report of the Chief Executive

15 Surplus Declaration: Garages at Garth Farm Road, Winlaton (Pages 227 - 232)

Report of the Strategic Director, Corporate Services and Governance

16 Petitions Schedule (Pages 233 - 236)

Report of the Strategic Director, Corporate Services and Governance

17 Exclusion of the Press and Public

The Cabinet may wish to exclude the press and public from the meeting during consideration of the following item(s) on the grounds indicated:

Item	Paragraph of Schedule 12A to the Local Government Act 1972
18	3
19	3
20	3
21	3
22	3

Key Decisions

18 Go Gateshead Sport and Leisure - Review (Pages 237 - 248)

Report of the Strategic Director, Corporate Resources

19 Sale of the Old Town Hall Quarter (Pages 249 - 256)

Report of the Strategic Directors, Communities & Environment and Corporate Services & Governance

20 Speculative Office Development in Baltic Business Quarter (Pages 257 - 264)

Report of the Strategic Director, Communities and Environment

21 Hillgate Quay (Pages 265 - 272)

Report of the Strategic Director, Communities & Environment

Non Key Decision

22 Sale of the Former Ravenswood Aged Persons Unit site, Church Road, Gateshead (Pages 273 - 280)

Report of the Strategic Director, Corporate Services and Governance

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GATESHEAD METROPOLITAN BOROUGH COUNCIL

CABINET MEETING

Tuesday, 21 November 2017

PRESENT: Councillor M Gannon

Councillors: C Donovan, M Brain, A Douglas, M Foy,
L Green, J McElroy, M McNestry and J Adams

C88 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor G Haley.

C89 MINUTES

The minutes of the last meeting held on 17 October were approved as a correct record and signed by the Chair.

C90 COUNCIL HOUSING DEVELOPMENT, SEYMOUR STREET, DUNSTON

Consideration has been given to a new affordable housing development at Seymour Street, Dunston, within the Housing Revenue Account (HRA) and to pursuing Affordable Homes Grant funding from the Homes and Communities Agency (HCA) to support the project.

- RESOLVED -
- (i) That the proposed development of seven 2 bed, 4 person Council houses at Seymour Street, Dunston, to be let at affordable rents and to be designed by the Council's Housing, Design and Technical Services Team and the construction to be delivered by The Gateshead Housing Company (formerly Construction Services) be approved.
 - (ii) That application for Affordable Homes Grant funding from the Homes and Communities Agency to support the project be approved.

The above decisions have been made for the following reasons:

- (A) To increase the provision of much needed affordable housing for rent utilising external grant.
- (B) To contribute to the further sustainability of the Housing Revenue Account.

C91 DISPOSAL OF THE FORMER LYNDHURST CENTRE

Consideration has been given to the disposal of the freehold interest in the former Lyndhurst Centre ('the Site') to the Gateshead Trading Company ('GTC'), the provision of a Loan to GTC in order to facilitate the development of new housing and approval to enter into a contract with GTC for the delivery of the development.

The alternative option to that being recommended, but which was discounted, included disposing of the Site on the open market.

- RESOLVED -
- (i) That the disposal of the Site to Gateshead Trading Company for the sum of £100,000 subject to the receipt of planning permission for new residential development be approved.
 - (ii) That using powers granted under the Local Government Act 1972 General Disposal Consent (England) 2003, a disposal at an under-value based on a guarantee of the development of affordable housing by GTC be approved.
 - (iii) That authority be delegated to the Service Director, Legal, Democratic & Property Services to negotiate the final terms of the disposal.
 - (iv) That the provision of a Loan facility to Gateshead Trading Company of £5.294m to facilitate the proposed development be approved.
 - (v) That authority be delegated to the Strategic Director, Corporate Resources to finalise the terms of a Loan Agreement with Gateshead Trading Company.
 - (vi) That the Council enter into a contract with the Gateshead Trading Company for the delivery of the development including design and construction.
 - (vii) That authority be delegated to the Strategic Director, Corporate Services & Governance, following consultation with the Strategic Director, Communities & Environment to finalise the terms of the contract with the Gateshead Trading Company.

The above decisions have been made for the following reasons:

- (A) To ensure the early re-use of an under used site.
- (B) To obtain a capital receipt.
- (C) To ensure the development of new affordable housing in the area.

C92

TENDERS FOR THE SUPPLY OF GOODS AND SERVICES

Consideration has been given to tenders received for the contract for the provision of 0-19 Public Health Nursing Service in Gateshead and the framework contract for Printing and Fulfilment Services.

- RESOLVED -
- (i) That the tender from Harrogate and District NHS Foundation Trust for the contract for the Provision of 0-19 Public Health Nursing Service in Gateshead for a period of 24 months commencing 1 July 2018, with the option to extend for a further 3 x 12 month periods, be accepted.

- (ii) That tenders received from the companies for each of the lots listed below in respect of the Framework Contract for Printing and Fulfilment Services be accepted (and noted in respect of Lot 3, which has been approved by The Gateshead Housing Company and is included for information only) for a period of 24 months commencing 4 December 2017, with the option to extend for a further 2 x 12 month periods:
- Lot 1 Council Tax Notifications, Critiqom Ltd, Bellshill, Lanarkshire
 - Lot 2 Printing Of Council News Magazine, Acorn Web Offset Limited, Normanton, West Yorkshire
 - Lot 3 The Gateshead Housing Company, Potts Print Ltd, Cramlington, Northumberland

The above decisions have been made because a comprehensive evaluation of the tenders received has been undertaken and the accepted tenders are the most economically advantageous tenders submitted.

C93 REVIEW OF SENIOR MANAGEMENT ARRANGEMENTS IN COMMUNITIES & ENVIRONMENT AND CORPORATE SERVICES & GOVERNANCE

Consideration has been given to recommending to Council changes to service structures within the Communities & Environment and Corporate Services & Governance service groups.

- RESOLVED -
- (i) That the Council be recommended to approve the management structure changes as detailed in the report, with effect from 1 December 2017 in respect of Commissioning & Neighbourhoods Service within Communities & Environment and with effect from 1 January 2018 in respect of the changes in Corporate Services & Governance or such later date(s) as agreed by the Chief Executive, following consultation with the Leader of the Council and any further representations from trade unions.
- (ii) That it be noted management arrangements for the Council's strategic asset management and property functions are currently under review and recommendations in relation to these functions will be put to Cabinet and Council in a further report in due course.

The above decisions have been made to enable continued improvement in the co-ordination of Council functions, the organisation of its staff, and to enable Council services to be delivered in a more efficient and effective way.

C94 TALENT MANAGEMENT POLICY

Item withdrawn.

C95 CAPITAL PROGRAMME AND PRUDENTIAL INDICATORS 2017/18 - SECOND QUARTER REVIEW

Consideration has been given to the latest position on the 2017/18 capital programme and Prudential Indicators at the end of the second quarter to 30 September 2017.

RESOLVED -

That the Council be recommended to:

- (i) Approve that all variations to the 2017/18 Capital Programme as detailed in appendix 2 to the report be agreed as the revised programme.
- (ii) Approve the financing of the revised programme.
- (iii) Note 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.

The above decisions have been made for the following reasons:

- (A) To ensure the optimum use of the Council's capital resources in 2017/18.
- (B) To accommodate changes to the Council's in-year capital expenditure plans.
- (C) To ensure performance has been assessed against the approved Prudential Limits.

C96

LOCAL COUNCIL TAX SUPPORT SCHEME

Consideration has been given to recommending to Council a Local Council Tax Support Scheme for the year 2018/19.

The alternative options to that being recommended, but which were discounted, included the adoption of a scheme which offers less support by increasing the minimum contribution or more support to residents by increasing at a greater rate the Council's commitment of resources.

RESOLVED -

That the Council be recommended to:

- (i) Approve the proposed scheme as set out in paragraphs 7 and 8 of the report.
- (ii) Delegate powers to the Strategic Director, Corporate Resources, to provide regulations to give effect to the scheme.

The above decisions have been made for the following reasons:

- (A) To meet the statutory requirements of the Local Government Finance Act 2012 in relation the establishment of a framework for Localised Council Tax Support.
- (B) To mitigate the impact of budget cuts and other Welfare Reform changes on Council Tax support claimants.
- (C) To mitigate the impact of funding reductions on Council finances.

C97

ADDENDUM TO DISCRETIONARY RATE RELIEF POLICY

Consideration has been given to recommending Council to approve additions to the Council's Discretionary Rate Relief Policy covering two new areas of local discretion in respect of business rate relief. This will establish a Local Business Rate Discount and a Revaluation Business Rates Discount covering the period 2017/18 to 2020/21.

RESOLVED -

That the Council be recommended to approve:

- (i) The Council's Discretionary Rate Relief Policy is amended to reflect the additional proposed policies set out in paragraphs 7, 8 and 9 of the report, regarding the Local Business Rate Discount scheme and paragraphs 18 and 19 of the report for the Revaluation Business Rate Discount.
- (ii) The Strategic Director, Corporate Resources manages this policy under the delegated authority to manage the Collection Fund in accordance with statutory requirements.

The above decision has been taken to ensure the effective management of the Council's resources.

C98

STRATEGIC PLANNING AND BUDGET CONSULTATION

Consideration has been given to consulting on a new five year strategic approach 'Making Gateshead A Place Where Everyone Thrives' and the Council's budget framework and proposals as part of the budget setting process for 2018-19.

The Council's new strategic approach is being developed with the Council's purpose and beliefs in mind, along with what matters most to the people of Gateshead. It is aligned to the timeframe of the Medium Term Financial Strategy and is predicated on the following council pledges:

- Put people and families at the heart of everything that we do
- Tackle inequality so people have a fair chance
- Support our communities to support themselves and each other
- Invest in our economy to provide sustainable opportunities for employment, innovation and growth across the borough
- Work together and fight for a better future for Gateshead

RESOLVED -

- (i) That consultation on the budget proposals for 2018/19 be approved, consultation commencing on 21 November 2017 and closing on Friday, 12 January 2018 to enable evaluation of the responses to inform the Council's Budget 2018/19, which will be presented to Cabinet on 20 February 2018.
- (ii) That consultation on the new strategic approach be approved, consultation commencing on 21 November 2017 and closing on 21 February 2018, to enable evaluation of the responses before a report is presented to Cabinet and Council in March 2018 seeking formal approval of the strategic approach.

The above decisions have been made to ensure the Council is well placed to respond to

the needs of the borough, whilst addressing the financial challenge placed on the Council and the residents of the borough.

C99 RESPONSE TO CONSULTATION

Consideration has been given to a response to a recent Government consultation.

RESOLVED - That the response to the Department for Communities and Local Government consultation 'Planning for the Right Homes in the Right Places' be endorsed.

The above decision has been made to enable the Council to contribute a response to the consultation.

C100 REVENUE BUDGET 2017/18 - SECOND QUARTER REVIEW

Consideration has been given to the latest monitoring position on the 2017/18 revenue budget at the end of the second quarter to 30 September 2017.

RESOLVED - That the Council's revenue expenditure position at 30 September 2017, as set out in appendix 1 to the report be approved.

The above decision has been made to contribute to sound financial management and the long term financial sustainability of the Council.

C101 LOCAL TRANSPORT PLAN: CAPITAL PROGRAMME MID-YEAR UPDATE

Consideration has been given to an update on progress with the Council's programme of investment in the local transport network, including funding received through the Local Transport Plan (LTP) process. The update includes a review of the 2017/18 programme which was approved by Cabinet on 25 April this year along with the in-year changes that have taken place. An outline of the 2018/19 roads maintenance programme is also set out to allow for forward planning of these works.

- RESOLVED -
- (i) That the revised programme for 2017/18 as set out in appendices 3-5 of the report, noting that there may be a need to further review scheme priorities during the remainder of the financial year in line with the available resources, be approved.
 - (ii) That the Service Director, Development, Transport and Public Protection be authorised to award the relevant works to the Service Director, Construction Services under the terms of the Highways, Drainage & Street Lighting Maintenance Contract.
 - (iii) That the Service Director, Development, Transport and Public Protection be authorised to make changes to the approved indicative programme, following consultation with the Cabinet Member for Environment and Transport as and when the need arises.
 - (iv) That the highways planned maintenance programme for 2018/19 be approved to allow forward planning of these works.

The above decisions have been made to enable the design and implementation of transport schemes in support of the Tyne and Wear Local Transport Plan and the Council's policy objectives.

C102

ONE PUBLIC ESTATE, DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT (DCLG) LAND RELEASE FUND

Consideration has been given to the bids for funding which were made via One Public Estate in relation to the Department for Communities and Local Government Land Release Fund on 3 November 2017 for the purpose of accelerating development on Council owned sites.

- RESOLVED -
- (i) That the action taken by the Strategic Director, Communities and Environment, in accordance with Schedule 5, Part 2 – General Delegations to Managers, paragraph 4 (e) of the Constitution, in submitting the bids for funding to the Land Release Fund in relation to the four sites detailed below, via One Public Estate to the Department for Communities and Local Government, be noted and endorsed.
 - a) Development by The Gateshead Trading Company at:
 - Clasper Village – To develop 184 homes
 - Lyndhurst – To develop 36 homes
 - b) Development by The Gateshead Regeneration Partnership at:
 - Kelvin Grove – To develop 52 homes
 - Rowlands Gill – To develop 23 homes
 - (ii) That an indication be provided in future reports relating to housing development of the positive impacts in terms of increased council tax revenues and New Homes Bonus.

The above decisions have been made for the following reasons:

- (A) To maximise potential housing delivery to help deliver new homes as identified in the adopted Local Plan.
- (B) To realise the Council's policies and objectives in relation to housing growth.
- (C) To pursue external funding that would otherwise require the Council to increase capital expenditure to take these developments forward.

C103

SURPLUS DECLARATION: 112 - 114 KELLS LANE LOW FELL

Consideration has been given to declaring land at 112/114 Kells Lane, Low Fell surplus to the Council's requirements and to the future proposal for the property after being declared surplus.

- RESOLVED -
- (i) That the land at 112/114 Kells Lane, Low Fell be declared surplus to the Council's requirements.

- (ii) That the Service Director, Legal, Democratic and Property Services be authorised to dispose of the property on the open market.

The above decisions have been made to manage resources and rationalise the Council's assets in line with the Corporate Asset Strategy and Management Plan 2015 -2020 thereby facilitating the long term sustainability of the Housing Revenue Account.

C104 PETITIONS SCHEDULE

Consideration has been given to the latest update on petitions submitted to the Council and the action taken on them.

RESOLVED - That the petitions received and the action taken on them be noted.

The above decision has been made to inform the Cabinet of the progress of action on petitions received.

C105 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - That the press and public be excluded from the meeting during consideration of the remaining business in accordance with paragraph 3 of Schedule 12A to the Local Government Act 1972.

C106 SALE OF OLD TOWN HALL QUARTER

RESOLVED - That this item be deferred to the next meeting of Cabinet on 19 December 2018 to enable arrangements to be made for a Members' briefing seminar in the interim period on the proposals.

C107 EU FUNDING OPPORTUNITIES

Consideration has been given to the Council being a partner in three applications for European Regional Development Fund (ERDF) funds and to providing matched funding to deliver projects that will promote economic growth and job creation through business adoption of new and emerging technologies, promoting entrepreneurship and improving business competitiveness.

The alternative option to that being recommended, but which was discounted, included the Council submitting standalone bids.

- RESOLVED -
- (i) That the Council being a named partner in the Digital Innovation Partnership ERDF application and participating in the delivery of the project, if successful, providing match funding of up to £245,000, subject to any the partnership agreements being agreed by the Strategic Director, Corporate Services & Governance be approved.
 - (ii) That the Council being a named partner in the Business Energy Efficiency Project ERDF application and participating in the delivery of the project, if successful, providing match funding of up to £45,000 to be met from the Economic Growth Reserve,

subject to any partnership agreements being agreed by the Strategic Director, Corporate Services & Governance be approved.

- (iii) That the Council being a named partner in the Business Support North East Partnership expression of interest (EOI) and subsequent ERDF application and participating in the delivery of the project, if successful, providing match funding of up to £75,000 to be met from the Economic Growth Reserve, subject to any partnership agreements being agreed by the Strategic Director Corporate Services & Governance be approved.

The above decisions have been made for the following reasons:

- (A) To maximise opportunities for economic growth in Gateshead.
- (B) To maximise the opportunities for business growth in the digital technology sector; creating good quality employment.
- (C) To improving business competitiveness through technology adoption leading to job creation and safeguarding.
- (D) To maximise opportunities to support Gateshead residents to set up businesses.
- (E) To maximise available external funding opportunities.
- (F) To support the Council's investment in PROTO: The Emerging Technology Centre.
- (G) To support SMEs to increase energy efficiency leading to improved resilience and competitiveness creating and safeguarding jobs.

C108

CREATION OF AN ENERGY SUPPLY JOINT VENTURE PARTNERSHIP

Consideration has been given to creating a joint venture partnership with a licensed energy supplier to support the development of energy related schemes, including a Gateshead-wide energy tariff and to proceed with a "partner selection process" to find the most suitable supplier with whom to enter into this commercial arrangement.

The alternative options to that being recommended, but which were discounted at this time, included developing a white label brand and becoming a licensed energy supplier.

- RESOLVED -
- (i) That the creation of a joint venture partnership with an energy supplier, which will deliver a range of energy related initiatives including a Gateshead tariff and a voids management package be approved.
 - (ii) That the commencement of a partner selection process, to identify the most suitable partner to deliver the above activities be approved and a further report with recommendations on a preferred partner to be submitted to Cabinet at the conclusion of this process.

The above decisions have been made for the following reasons:

- (A) To enable all Gateshead residents to benefit from lower cost energy, to support fuel poverty reduction.
- (B) To fulfil the Council's legislative requirements under the HEIGHTs scheme.
- (C) To facilitate further innovation and delivery models for increasing energy efficiency, energy generation and reducing carbon emissions for Gateshead residents.
- (D) To take the Council into the licenced energy supply market, creating further income streams for the Council.

C109 GRANT OF LEASE 11 & 12 GLADSTONE TERRACE, GATESHEAD

Consideration has been given to the leasing arrangements in relation to 11 and 12 Gladstone Terrace, Gateshead for terms which are less than market value.

The alternative option to that being recommended, but which was discounted, included disposing of 12 Gladstone Terrace on the open market.

- RESOLVED -
- (i) That the grant of a 35 year lease of 12 Gladstone Terrace to the Trustees of BBC House Boys Club for nil consideration be approved.
 - (ii) That the acquisition of a 35 year lease of 11 Gladstone Terrace, at nil consideration be approved.
 - (iii) That the grant of a 35 year less 1 day sublease of 11 Gladstone Terrace to Walking With the Wounded for nil consideration be approved.
 - (iv) That it be approved Walking with the Wounded will be responsible for undertaking all necessary work to enable the property to be used for the purposes set out in the report, including the works required to separate the two buildings.

The above decisions have been made to manage the Council's assets in line with the Corporate Asset Strategy and Management Plan and to address a housing need within the borough.

Copies of all reports and appendices referred to in these minutes are available online and in the minute file. Please note access restrictions apply for exempt business as defined by the Access to Information Act.

The decisions referred to in these minutes will come into force and be implemented after the expiry of 3 working days after the publication date of the minutes identified below unless the matters are 'called in'.

Publication date: 23 November 2017

Chair.....

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**TITLE OF REPORT: Academy Conversion of the Behaviour Support Service -
Property Update**

**REPORT OF: Mike Barker, Strategic Director Corporate Services &
Governance**
Caroline O'Neill, Strategic Director Care, Wellbeing and Learning

Purpose of the Report

1. To update Cabinet regarding the property arrangements to support the conversion of the Behaviour Support Service to Academy Status and seek its approval, in its capacity as Trustee, to the grant of a lease of Heworth Welfare Hall.

Background

2. At its meeting on 19 September 2017, Cabinet considered a report setting out the Council's statutory duty and legal obligations in relation to the education of children excluded from school due their behaviour or 'medically not fit for school'.
3. An Academy Order was made in respect of the Gateshead Behaviour Support Service, known as the Pupil Referral Unit (PRU) earlier this year and its conversion to academy status is expected to take place on 1st January 2018 to River Tees Multi-Academy Trust (RTMAT). The PRU currently uses Millway at Carr Hill and Heworth Welfare Hall in Felling and a number of rooms booked within council buildings. Heworth Welfare Hall, which is used for the 'medically not fit for school' provision, is held in trust rather than being owned by the Council and therefore an alternative site was sought.
4. Cabinet agreed that in the short term, pending identification of more suitable accommodation, the Millway site, currently occupied by the PRU, would be transferred to them by way of a lease together with the former Ravensworth Terrace Primary School, which is presently undergoing some minor alteration works. In the case of Ravensworth Terrace the use of the premises would be limited to those students who fall within the 'medically not fit for school' provision (i.e. the 'medically not fit for school' provision currently provided at Heworth Welfare Hall will be relocated into the former Ravensworth Primary School).
5. It was also agreed that officers would seek to replace Heworth Welfare Hall with the former Brandling Community Centre with the intention of leasing the community centre in the short term in order to ensure RTMAT has sufficient accommodation to enable it to meet the service need. The former Brandling Community Centre is currently let to Fighting Chance Foundation Community Interest Organisation for a term of seven years with three years remaining, and their short lease is preventing the organisation from accessing funding to drive the project forward. (Min No.C54)

Current Position

6. On further detailed inspection of Brandling Community Centre It has been established that only with substantial physical alterations would the building t be suitable for the RTMAT's operating approach, which aims to create an academic and personalised curriculum for pupils as a basis for work or future learning. Classrooms with lower suspended ceilings would need to be created, together with additional toilet facilities to make the building fit for purpose. However, such works would take a considerable time to carry out and nor there is any budgetary provision identified.
7. Classrooms with suspended ceilings are already in place at Heworth Welfare Hall so it is considered physically fit for purpose. Although, as reported previously, it is held on trust by the Council, it is proposed that a short term lease be granted to RTMAT, pending a more suitable long term site being identified. .
8. In all other respect, discussions with RTMAT and the Department for Education have progressed well and the principle of granting only short term leases of Millway and the former Ravensworth Terrace school to the RTMAT (as opposed to the standard 125 years for academies) has been agreed, along with the vacation of both sites as soon as more suitable alternative provision is identified.

Proposal

9. It is proposed that a 2 year lease being granted to River Tees Multi-Academy Trust as this is considered to be in the best interests of the Trust.

Recommendation

10. It is recommended that Cabinet:
 - (i) Notes the progress of discussions with River Tees Multi-Academy Trust; and
 - (ii) Acting as Trustee of the Heworth Welfare Hall Trust, approves the grant of a 2 year lease of the Hall to River Tees Multi-Academy Trust, the detailed provisions of the lease to be agreed by the Strategic Director, Corporate Services & Governance, in consultation with the Leader of the Council.

For the following reason:

To continue delivery of cost savings to the Trust.

CONTACTS: Stephen Horne and Zoe Sharratt **extension:** 8604 and 3503

Policy Context

1. The proposal supports the overall objects of the Trust and will give children the best start in life and reduce levels of inequality for the disadvantaged and vulnerable.

Background

2. At its meeting on 19 September 2017, Cabinet considered a report setting out the Council's statutory duty and legal obligations in relation to making arrangements for the provision of suitable education of children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.
3. The Council currently fulfils its obligation for its secondary aged pupils (Key Stage 3 and 4) through the Gateshead Behaviour Support Service, known as the Pupil Referral Unit (PRU). An Academy Order was made in respect of the PRU earlier this year and its conversion to academy status is expected to take place on 1st January 2018 to River Tees Multi-Academy Trust (RTMAT).
4. Unlike a standard academy conversion, the legal obligation to provide education will still sit with the Local Authority and the role of the Academy will be that of a service delivery provider acting on behalf of the Authority. Following its conversion to an Academy the Council will still be able to make referrals to the RTMAT as it currently does with the PRU, but when RTMAT's accommodation is full it will be under no obligation to accept further admissions, and the onus will revert to the Council to make appropriate alternative provision for the additional pupils.
5. The number of pupils requiring this type of provision is increasing but, not only is the PRU's main building already full, the alternative temporary arrangements made for 31 children is barely sufficient to meet the Council's statutory duty. Consequently there is a need for additional/alternative accommodation to be provided in order to ensure the RTMAT can deliver the entire service without the need for the Council to be involved in delivering any of the service. This had been acknowledged by the Council prior to the issue of the Academy Order following a review undertaken of the Council's property portfolio.
6. The PRU currently uses Millway at Carr Hill and Heworth Welfare Hall in Felling and a number of rooms booked within council buildings. Heworth Welfare Hall, which is used for the 'medically not fit for school' provision, is held in trust for the purpose of the Trust rather than being owned by the Council and, as such, a lease for a longer period than 2 years cannot be granted to RTMAT without referring the matter to the Charity Commission. Bearing in mind that additional/alternative accommodation needs to be available by January 2018, and that pupils 'medically not fit for school' need to be kept appropriately separated from those excluded from mainstream school due to their behaviour, five buildings were considered as potentially suitable from which RTMAT could deliver the service.
7. At its meeting on 19 September 2017, Cabinet agreed that in the short term, pending identification of more suitable accommodation, the Millway site would be leased to the RTMAT together with the former Ravensworth Terrace Primary School but with the use of Ravensworth Terrace being limited to being for the

‘medically not fit for school’ provision. (i.e. the PRU will relocate the ‘medically not fit for school’ provision from Heworth Welfare Hall into the former Ravensworth Primary School).

8. It was also agreed that officers would seek to replace Heworth Welfare Hall with the former Brandling Community Centre with the intention of transferring the Community Centre in the short term, to ensure RTMAT has sufficient accommodation to enable it to meet the service need. (Min No. C54)

The Current Position

9. RTMAT agreed to take 3 year leases of both the Millway site and the former Ravensworth Terrace Primary School, subject to the provision that the Council will identify a suitable long term site.
10. Discussions have since taken place with the Department for Education (DfE) which have progressed well, the DfE accepting that the standard form of lease (for 125 years) between the Council and the academy trust would not be appropriate in this case, and that the RTMAT will vacate both sites as soon as more suitable alternative provision is identified. The principle of only short term leases of Millway and the former Ravensworth Terrace school to the RTMAT has therefore been agreed, but with the DfE has advising that the minimum lease that it is willing to accept is ten years, subject to the Regional School Commissioner’s approval. The Commissioner has subsequently endorsed the DfE’s position, so that the leases will be for a maximum term of ten years; however, the leases will be subject to the provision that the Council will identify a suitable long term site, and it is anticipated this will be within a much shorter timescale.
11. It has been found that without undertaking substantial physical alterations the former Brandling Community Centre would not be suitable for RTMAT’s operating approach, which aims to create an academic and personalised curriculum for pupils as a basis for work or future learning. Classrooms with lower suspended ceilings would need to be created, together with additional toilet facilities to make the building fit for purpose.
12. It was also being suggested that the current occupants, a boxing club, move into Heworth Welfare Hall, when the PRU relocate the ‘medically not fit for school’ provision into the former Ravensworth Primary School. However, as this will not happen until the School’s Christmas holiday, this means that the alterations needed to the former Brandling Hall Community Centre could not be started until mid-January at the earliest (allowing some time for the boxing club to relocate into Heworth Welfare Hall).
13. As classrooms with suspended ceilings have already been created in Heworth Welfare Hall it is considered physically fit for purpose. Further consideration has therefore been given to as to whether granting a short term interest would be possible.
14. The purpose of the Trust as detailed in an Scheme Order made by the Secretary of State for Education and Science under the Charities Act 1960 stated that the land was to be used as a community centre to be held by the Council upon Trust for the use of the inhabitants of the Urban District of Felling...[and]...in particular for the use for meetings, lectures and classes for the purpose of physical exercise and training and other forms of recreation and leisure-time occupation with the object of

improving the conditions of life for the said inhabitants'. The Council, as trustee of the Trust has to act in the best interests of the Trust.

15. Although the purpose of the Trust does not specifically include education, community centres are frequently used to deliver education and learning skills; For example toddler playgroups, adult learning courses, local history groups, craft skills and dance classes etc. Various community centres have also been used by secondary schools and the local authority to help deliver their alternative education provision.
16. While it is not usual for a community centre to be occupied by a single group to provide education, over 26% of the children that attend the PRU are from the Felling area. Should suitable accommodation not be available for RTMAT to use, it is likely that some of these pupils will only be provided with 1 hour a day private tutoring, which is barely sufficient to meet its statutory requirements. It is therefore considered that granting a short term interest in the property would benefit these young inhabitants of Felling.

Consultation

22. In preparing this report consultation has taken place with the Leader, Deputy Leader, Portfolio for Children and Young People, and Ward Councillors. While highlighting the need to continue to pursue alternative options for future provision of these services, the Leader, Deputy Leader, Portfolio Holder and ward councillors acknowledge the proposal is the most suitable arrangement for the Council and RTMAT in the short term.

Alternative Options

23. This is the only option that ensures children from Felling, who attend the PRU, have suitable accommodation for their education from January.

Implications of Recommended Option

24. Resources:

- a. **Financial Implications** – The Strategic Director, Corporate Resources confirms that the grant of a lease to RTMAT will mean that Trust continues to minimise its outgoings.
 - b. **Human Resources Implications** – There are no implications for the Trust, however the grant of a lease will help secure the transfer of all staff employed within the PRU.
 - c. **Property Implications** - The grant of a lease will mean that the Trust continues to use its asset to support the inhabitants of Felling.
28. **Risk Management Implication** - If suitable accommodation is not available for the education of these pupils, they are at significant risk of educational underperformance. Issues such as mental health and SEN are best catered for when these children are in the care of teachers and other professionals within a school environment.

In addition, it is expected that providing education through tutoring arrangements for this vulnerable group of children will lead to poor academic outcomes. Also, due to the relatively low contact time with a tutor or other appropriate adult, potential significant safeguarding issues may arise.

29. **Equality and Diversity Implications** - The grant of a lease ensures the education of those pupils requiring the services of the Behavioural Support Service in Felling are suitably accommodated.
 30. **Crime and Disorder Implications** – There are no crime and disorder implications arising directly from this report
 31. **Health Implications** - There are no health implications arising directly from this report
 32. **Sustainability Implications** - There are no sustainability implications arising directly from this report
 33. **Human Rights Implications** - There are no human right implications arising directly from this report
 34. **Area and Ward Implications** - East - Felling
- Background Information** - None

TITLE OF REPORT: Establishment of post: Director of Joint Commissioning, Performance and Quality (Care, Wellbeing & Learning)

REPORT OF: Sheena Ramsey – Chief Executive

Purpose of the Report

1. To seek Cabinet approval to recommend to Council to establish this post to ensure the Care, Wellbeing & Learning Group has the strategic capacity to jointly commission (with Newcastle Gateshead CCG) Children's, Adults' and Public Health services.

Background

2. The Care, Wellbeing and Learning Group establishment includes a post of Service Director – Health and Social Care Commissioning & Quality Assurance. This post was created in 2015 during a Group re-structure and replaced two previous Service Director posts (one which focussed on Children's commissioning with the other focussing on the commissioning of Adults' services). The grade of the current Service Director post is Service Director Band 2 (£63,929 to £78,134).
3. The current Service Director post has never been filled permanently and has been occupied by two interim appointees. The current interim Service Director has agreed an extension to his contract until 31 March 2018 or until the recruitment of the permanent director post is completed.
4. The Strategic Director, Care, Wellbeing & Learning and other senior colleagues in the Group have been working with the Newcastle Gateshead CCG to identify opportunities for integrating services with the explicit aim of improving the health and wellbeing outcomes for the population in Gateshead.
5. The discussions between health and care senior leaders in Gateshead have resulted in three evolving pieces of work over the last year:
 - (i) The operation of the Gateshead Care Partnership since October 2016, as the interagency provider vehicle which oversees the implementation of the recently secured community health services contract for the borough.
 - (ii) The informal health and wellbeing board pre meeting of senior officers from the statutory bodies represented at the board, since April 2017.
 - (iii) The Accountable Officer Partnership across Newcastle and Gateshead (comprising the six accountable officers, their most senior directors and the two directors of public health) published a 'statement of intent' in January 2017 describing its ambition to bring together health and care services.

6. A report was presented at the Care, Health & Wellbeing Overview & Scrutiny Committee on 31 October which updated the Committee on integration opportunities and described a shared vision and areas for early integration identified by health and social care partners.
7. Part of the ongoing discussions between the Council and Newcastle Gateshead CCG has been the proposal to establish a post of Director of Joint Commissioning. The creation of a joint director post will assist both organisations to review and where possible align their strategic and operational commissioning arrangements. This will have a significant impact on the aim, as described above, of improving the health and wellbeing outcomes for the population in Gateshead. In addition both organisations have identified significant cost savings over the next two financial years associated with the commissioning of health and social care services. This is coupled with a number of current budget proposals within the Council the objective of which is to 'manage demand' in the Children's and Adults' services.

Proposal

8. It is proposed to delete the current post of Service Director – Health and Social Care Commission & Quality Assurance.
9. It is further proposed to create a post of Director of Joint Commissioning, Performance and Quality. This new post will have a broader remit and will have a particular focus on the integration agenda. This will involve leading and participating in the development and implementation of joint commissioning arrangements as appropriate between Gateshead Council, the NHS and other key partners. The new post will also lead the further development of strategic commissioning aimed at delivering improved outcomes and value for money. The social care market in the borough has showed signs of instability in recent years. Therefore, this new post will oversee the development of a sustainable market for health and social care within Gateshead.
10. Due to the expansion of this role and its impact on the delivery of efficiency savings and the plans to manage demand, it is therefore proposed that the post be established at Service Director Band 3 (£77,767 to £95,044).

Recommendations

11. It is recommended that Cabinet agrees and recommends to Council the deletion of the current post of Service Director and the creation of the post of Director of Joint Commissioning, Performance and Quality - Service Director Band 3.

For the following reasons:

- i. To enable the Care, Wellbeing and Learning Group, in partnership with the Newcastle Gateshead CCG, to identify and deliver opportunities for integrating services with the explicit aim of improving the health and wellbeing outcomes of Gateshead's population.

- ii. To enable continued improvement in the strategic management of commissioned services and to enable the delivery of all social care and public health services in a more efficient and effective way.

CONTACT: Mike Barker

extension: 2100

Policy Context

1. The Council is operating in a challenging national policy context which has been compounded by government funding reductions and announcements that indicate further significant reductions in resources available for local government.
2. The reorganisation of the strategic management of commissioned services and integration will assist in the delivery of Vision 2030 and in the implementation of the Council's Corporate Priorities as set out in the Council Plan 2015-2020 and its policy framework, in particular: the implementation of efficiency savings and strategies for managing demand in the Children's, Adults' and Public Health services.

Consultation

3. Extensive consultation has taken place with relevant directors at the Newcastle Gateshead Clinical Commissioning Group regarding the establishment of this post and future operating arrangements. The Leader and relevant Portfolio holders have been consulted on the proposals set out in this report and are supportive of the recommendations. The Council's recognised trade unions have also been consulted on the proposal and have not raised any objections.

Alternative Options

4. The proposals put forward are the optimum response to the demands placed on the Council, as set out in this report. While one alternative option would be to make no change to the current post, this would not make the positive contribution toward achieving the aims set out within this report or meet requirements to integrate.

Implications of Recommended Option

5. **Resources:**
 - a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that there is an increased cost of £24,230 (including Employer's on-costs) arising from the change in the establishment bringing the total cost of the post to £135,070 (including Employer's on-costs) at the top of the grade. However, as this is a joint health and social care commissioning director post this will be off-set by a contribution by Newcastle Gateshead CCG which will cover 30% of the cost of this post.
 - b) **Human Resources Implications** – there no direct Human Resource implications arising from this report as the current interim postholder has confirmed his intention to end his interim arrangement on 31 March 2018 or until the recruitment of the permanent director post is completed. To ensure the widest field of suitable candidates are attracted this new post will be advertised externally in national press.

- c) **Property Implications** – there are no property implications arising directly from the proposals in this report.
6. **Risk Management Implication** - There are no specific risk management implications arising from this report.
7. **Equality and Diversity Implications** - There are no specific equality and diversity implications arising from this report.
8. **Crime and Disorder Implications** – There are no specific crime and disorder implications arising from this report.
9. **Health Implications** - There are no specific health implications arising from this report.
10. **Sustainability Implications** - There are no specific sustainability implications arising from this report.
11. **Human Rights Implications** - There are no specific human rights implications arising from this report.
12. **Area and Ward Implications** - There are no specific ward implications arising from this report.

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TITLE OF REPORT: Centrally Employed Teachers' Pay Policy 2017

REPORT OF: Mike Barker, Strategic Director, Corporate Services & Governance

Purpose of the Report

1. To agree a centrally employed teachers' pay policy 2017, for approval by the Council, as set out in Appendix 2 to this report.

Background

2. The School Teachers' Pay and Conditions Document (STPCD) 2017 requires local authorities to produce a pay policy which determines teachers' pay and the date at which it will determine teachers' annual pay reviews, and establishes procedures for addressing teachers' grievances in relation to their pay.
3. Whilst there is no set format to which the policy statement must conform, the STCPD provides statutory guidance issued by the Secretary of State, to which authorities must have regard when preparing their policies.
4. The Pay Policy covers all elements of the STPCD set out under main headings that are intended to demonstrate the consistency in the Council's approach to pay across the teaching workforce and to highlight any differences. Those main headings are:
 - General principles regarding teachers' pay
 - Governance arrangements and development of pay and allowances ranges
 - Payment for additional duties
 - Process for appeals
5. The policy must be available for all centrally employed teachers to access, and be applied when the Council makes teachers' pay determinations.

Proposal

6. The STPCD places a statutory duty on the Council to only uplift the minimum and maximum of the pay ranges and allowances applicable to centrally employed teachers. The uplift this year is 2% for the minimum and maximum of the main pay range and 1% to all other pay ranges and allowances.
7. The proposal for this year, as attached in appendix 2, is to apply a 2% uplift to all points within the main pay range and a 1% uplift to all points in the all other pay ranges and allowances.

8. This is in line with other regional authorities, trade union recommendations and the consensus of opinions across Gateshead schools.

Recommendation

9. It is recommended that the attached draft policy is agreed by Cabinet and referred to the Council for approval.

For the following reason:

- To comply with the requirements of the STPCD
- To ensure centrally employed teachers receive a pay award in line with their colleagues in maintained schools.

CONTACT: Mike Barker

Ext 2100

Policy Context

1. The annual publication of a pay policy statement for the year 2017/18 is a requirement of the STPCD.

Background

2. The Council's approach to centrally employed teachers' pay has been determined by reference to the statutory legislation governing teachers' pay (STPCD). The pay policy incorporates the key requirements of this document and allows for a comparative pay award to be provided.

Consultation

4. The Council's recognised teaching trade unions have been consulted and this policy is in line with their national recommendations.

Alternative Options

5. The publication of a pay policy statement is a legal obligation under the statutory legislation governing teachers' pay.

Implications of Recommended Option

6. **Resources:**

a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that the proposed pay award will be met within existing resources, as it has been planned into budgets for 2017/18.

b) **Human Resources Implications** – The Council's centrally employed teachers' pay policy is designed to recruit, reward, motivate and retain as necessary employees with the skills and attributes required to deliver the Council's educational services. It is part of the Council's overall human resources policy framework, through which it aims to be an exemplary employer.

c) **Property Implications** – there are no property implications arising from the recommendations within this report.

7. **Risk Management Implications** - The changes in the Council's centrally employed teachers' pay policy as recommended in the report are relatively minor and are not considered to introduce any new risk.

8. **Equality and Diversity Implications** – Fair pay and reward are fundamental to the Council's approach to employment. The Council's application of consistent pay principles throughout the organisational structure ensure that Equality and Diversity issues are properly taken into account.

9. **Crime and Disorder Implications** – There are no crime and disorder implications.

10. **Health Implications** - There are no health implications.
11. **Sustainability Implications** - There are no sustainability implications.
12. **Human Rights Implications** – There are no human rights implications.
13. **Area and Ward Implications** - There are no area and ward implications.

Centrally Employed Teachers' Pay Policy 2017

INDEX

The Policy

- Aim
- Scope
- Responsibilities
- Annual Determination of Pay
- Records

Teachers

- Leadership Pay Range
- Head Teacher Pay Range
- Head Teacher Temporary Payments
- Deputy/Assistant Head Teacher(s) Pay Range
- Leading Practitioners
- Leadership Group Progression
- Leadership Acting Allowances
- Unqualified Teachers
- Newly Qualified Teachers
- Qualified Teachers
- Main Pay Range
- Main Pay Range Progression
- Progression to the Upper Pay Range
- Upper Pay Range
- Progression within the Upper Pay Range
- Acting Allowances
- Supply Teachers
- Part Time Teachers Working Time Arrangements

Teachers – Additional Payments

- Teaching and Learning Responsibility Payments
- Recruitment and Retention Payments
- Special Educational Needs Allowance
- Unqualified Teacher's Allowance
- Payment for Initial Teacher Training Activities
- Out of School Hours Learning Activity
- Payment for Continued Professional Development
- Additional Services to Other Schools

Safeguarding - Teachers

Appeals

- Reasons for Appeal
- Appeal Process

1. Aim

- 1.1. Section 3 of the School Teachers' Pay and Conditions Document places a statutory duty on the Council to have a pay policy for teaching staff, including appeals against pay determinations.
- 1.2. This policy sets out the basis on which the Council will make pay determinations for all teachers centrally employed and the date on which the determinations will be made.
- 1.3. The Council seeks to ensure that all teachers are valued and receive proper recognition and remuneration for their work and their contribution to education across Gateshead.

2. Scope

- 2.1. This policy applies to all teachers employed by the Council. However, it does not apply to teachers employed or appointed by the governing body to work in a maintained school as the responsibility for pay decisions lies with the governing body of the school.
- 2.2. This policy will:
 - maintain and improve the quality of education provided for pupils in Gateshead;
 - demonstrate to employees that the Council is acting in the best interests of education across Gateshead;
 - be implemented in a fair, consistent and responsible way;
 - be made available to all centrally employed teachers.

3. Responsibilities

- 3.1. The Council will:
 - promote high standards of educational achievement across Gateshead;
 - delegate authority to the relevant service director to administer the pay policy on its behalf;
 - abide by all relevant legislation and, in particular, will not discriminate on grounds of race, colour, ethnic origin, religion, belief, gender, marital status, sexual orientation, disability or age with regard to all decisions on recruitment, remuneration and development;
 - seek to ensure that there is pay relativity between jobs within the Council recognising accountability and job weight and the need to recruit, retain and motivate employees;
 - seek to ensure that arrangements for linking appraisal to pay are applied consistently and objectively;

The Pay Policy

- seek to ensure procedures for determining pay are consistent with the principles of public life - objectivity, openness and accountability;
- adhere to Council policies governing employment issues e.g. redundancy and retirement policies.

3.2. The relevant service director will:

- decide pay determinations for all teachers within their service;
- exercise its responsibilities within the constraints of the Council's budget;
- treat information about all teachers' earnings as confidential;
- review job profiles regularly and will reconsider the grade of any role should responsibility or accountability change;
- take account of the advice of the relevant service manager/head teacher and recommendations from appraisers when making pay determinations;
- seek advice and guidance from the school improvement partner when developing the head teacher's job profile, setting performance objectives and determining pay;
- consult with all teachers and their trade union representatives on changes to the service's staffing structure which has implications on pay;
- consult with teachers and their trade union representatives during each annual review of the pay policy.

3.3. The service manager/head teacher will:

- seek to ensure that job profiles are in place for all roles at the time of advertising;
- review all teachers' job profiles as part of the appraisal process and consult with teachers' and their trade union representatives on any changes to the responsibilities or accountabilities of their role;
- seek to ensure that effective appraisal arrangements are in place and that any appraisers have the knowledge and skills to apply procedures fairly and consistently;
- make recommendations to the relevant service director with regard to staffing matters including structures, grades, pay and discretionary payments.

3.4. The employee will:

- engage in consultation with the relevant service director and/or the service manager/head teacher in relation to staffing matters including structures, job profiles and grading;
- participate in arrangements made for their performance appraisal, in accordance with their conditions of employment.

4. Annual Determination of Pay

- 4.1. All teachers will have their performance appraised annually and an annual pay review will take place between 1st September and 31st October. Annual pay progression determinations will be back dated to 1st September.
- 4.2. Where appropriate, the relevant service director should take into account the relevant information from appraisal reports in making pay determination decisions.

5. Records

- 5.1. Pay information will be confidential to the employee concerned, the service manager/head teacher and the relevant service director.

The Procedure

The Council will follow the requirements of the current School Teachers' Pay and Conditions Document ("the Document") in implementing the pay policy for centrally employed teaching staff.

The discretions allowed by the Document will be applied according to identified service needs and based on clearly laid down criteria, subject to annual review.

1. Leadership Group

Leadership Pay Ranges

- 1.1. The Council will determine those posts that have substantial strategic responsibilities for leadership of educational provision in Gateshead. These will comprise the leadership group and may include an executive head teacher, head teacher, deputy head teacher(s) and/or assistant head teacher(s).
- 1.2. The relevant service director will establish and approve the service's/educational provision's group size and appropriate pay ranges for members of their leadership group in accordance with the provisions of the Document.
- 1.3. The service's/educational provision's group size will be recalculated in accordance with the provisions of the Document whenever:
 - a new head teacher is to be appointed;
 - the existing head teacher becomes permanently responsible for more than one school; or
 - there is a significant change in pupil numbers as determined in the Department of Education's School Census.
- 1.4. The Council has agreed to implement the attached reference points for the leadership pay ranges as detailed in appendices 1 - 4.

Head Teacher's Pay Range

- 1.5. The Council has determined in accordance with the provisions of the Document that the group size for the Behaviour Support Service is group 2. The head teacher's pay range is currently set as L19 – L25 with performance related progression as per the reference points detailed in appendix 1.

Head Teacher's Pay Range Review

- 1.6. The head teacher's pay range will be reviewed and re-determined, if necessary, in accordance with the provisions of the Document whenever:
 - a new head teacher is to be appointed;
 - a new deputy or assistant head teacher is to be appointed;
 - an additional leadership role is established and appointed to;

The Procedure

- there is a significant change in the head teacher's or other members of the leadership group's responsibilities;
 - the existing head teacher becomes permanently responsible for more than one school; or
 - there is a significant change in pupil numbers as determined in the Department for Education's School Census.
- 1.7. The Council will then set an appropriate pay range taking into account all the permanent responsibilities of the head teacher, any challenges specific to the role of head teacher and all other relevant considerations.
- 1.8. A newly appointed head teacher will be appointed within the head teacher's pay range taking into consideration the extent to which they meet the requirements of the role ensuring there is appropriate scope within the range to allow for performance related progression.
- 1.9. The relevant service director may determine to exceed the maximum of the head teacher's pay range and/or the leadership pay range (group) where they determine circumstances specific to the role warrant a higher than normal payment. The salary and any additional payments will not exceed the maximum of the leadership pay range (group) by more than 25%.
- 1.10. The relevant service director will record the rationale for any pay determinations made in relation to the head teacher's pay range.

Head Teacher Temporary Payments

- 1.11. Temporary payments will not be awarded to the head teacher as an incentive for recruitment or retention. Recruitment and retention considerations will be taken into account when determining and appointing to the head teacher's pay range.
- 1.12. The relevant service director may determine a temporary payment to be made to the head teacher taking into account:
- any temporary responsibilities or duties that are in addition to their role; or
 - being appointed as a temporary head teacher of one or more additional educational provisions/schools (i.e. soft federation).
- 1.13. The relevant service director will only determine a payment for the above reasons if they have not already been accounted for when determining the head teacher's pay range.
- 1.14. If the relevant service director has exceeded the maximum of the head teacher's pay range and/or leadership pay range, this must be taken into account when calculating the temporary payment as the total will not exceed 25% of the head teacher's annual salary in any school year.

The Procedure

- 1.15. The relevant service director has the discretion, in wholly exceptional circumstances, to exceed the 25% limit. However, they will seek external independent advice before agreeing such temporary payment.

Assistant Head Teacher(s) Pay Range

- 1.16. The assistant head teacher's pay range within the Behaviour Support Service is currently set as L7 – L11 with performance related progression as per the reference points detailed in appendix 2.

Assistant Head Teacher's Pay Range Review

- 1.17. The assistant head teacher's pay range will be reviewed and re-determined, if necessary, in accordance with the provisions of the Document whenever:

- a new head teacher is to be appointed;
- a new deputy or assistant head teacher is to be appointed;
- an additional leadership role is established and appointed to;
- there is a significant change in the head teacher's or other members of the leadership group's responsibilities;
- the existing head teacher becomes permanently responsible for more than one school; or
- there is a significant change in pupil numbers as determined in the Department for Education's School Census.

- 1.18. The relevant service director will establish appropriate pay differentials by identifying the salary of the highest paid classroom teacher (including taking account of the value of the maximum salary of the pay range, TLR and SEN allowances) to determine the minimum point for the deputy or assistant head teacher pay range.

- 1.19. The relevant service director will then set an appropriate pay range taking into account all the permanent responsibilities of each deputy and assistant head teacher role and all other relevant considerations.

- 1.20. The pay range for a deputy or assistant head teacher will only overlap the head teacher's pay range in exceptional circumstances. If the relevant service director determines an overlap, the maximum point of the deputy or assistant head teachers' pay ranges will not be above the maximum point of the head teacher's pay range.

- 1.21. The relevant service director may determine deputy and assistant head teachers' pay ranges which overlap.

- 1.22. Newly appointed deputy and assistant head teachers will be appointed within the pay range taking into consideration the extent to which they meet the requirements of the role ensuring there is appropriate scope within the range to allow for performance related progression. The relevant service director will formally record the rationale for this decision.

The Procedure

- 1.23. Recruitment and retention payments will not be awarded to deputy or assistant head teachers. Recruitment and retention considerations will be taken into account when determining and appointing to the deputy and assistant head teacher's pay ranges.

Leading Practitioners

- 1.24. The Council may employ teachers as leading practitioners if appropriate, and the relevant service director will determine an individual five point range within the leading practitioner pay range for each post established. The Council has determined the leading practitioner pay range as attached at appendix 4.
- 1.25. Leading practitioners are not entitled to receive TLR payments as all permanent responsibilities for teaching and learning should be taken into account when determining the individual pay range for the role.

Leadership Group/Leading Practitioners Pay Progression

- 1.26. The relevant service director must consider annually whether or not to increase the salary of all members of the leadership group and leading practitioners who have completed a year of employment since the previous pay determination.
- 1.27. The Council's Teacher Appraisal Policy ensures that a review against performance objectives is undertaken annually. The relevant service director will then consider recommendations made following the performance appraisal and will determine whether or not to award any progression with the maximum award of 2 points.

Leadership Acting Allowances

- 1.28. The relevant service director may award an acting allowance to members of the leadership group below head teacher who, for a minimum period of one month, carries out the duties of a more senior member of the leadership group.
- 1.29. Such an allowance would be assessed as though the member of the leadership group were being appointed to the substantive role. Payment will be made on the lowest point of the appropriate pay range. Payment may be backdated to the commencement of the duties.

2. Unqualified Teachers

- 2.1. Unqualified teachers are those teachers who have yet to achieve Qualified Teacher Status (QTS) and will be paid on the unqualified teacher's pay range until QTS is granted. The Council has determined the unqualified teacher's pay range and this is attached at appendix 5.

- 2.2. The service manager/head teacher will determine where a newly appointed unqualified teacher will enter the range, having regard to any qualifications or experience they may have, which they consider to be of value and will base this decision on the following criteria:
- qualifications;
 - added value to the service;
 - level of training required to fulfil the needs of the post;
 - current salary;
 - level of experience.
- 2.3. Unqualified teachers are not entitled to hold TLR 1 or 2 posts on the Council's staffing structure or be awarded a TLR 3.

3. Newly Qualified Teachers

- 3.1. Newly Qualified Teachers (NQTs) appointed to the Council will be placed on the minimum point of the main pay range. On completion of induction, NQTs have no automatic right to pay progression. The evidence from induction will inform decisions about pay progression as part of the annual determination of teachers' pay.

4. Qualified Teachers

- 4.1. All qualified teachers, including FE Teachers with Qualified Teacher Learning and Skills (QTLS) status will be paid on the main pay range or upper pay range.

Main Pay Range

- 4.2. Qualified teachers will be paid on the main pay range. The Council have determined the main pay range and this is attached at appendix 5.
- 4.3. Newly appointed teachers to the Council will be placed on the minimum of the range. The service manager/head teacher may use their discretion to award further salary in appropriate circumstances having regard to any qualifications or experience they may have, which they consider to be of value and will base this decision on the following criteria:
- qualifications;
 - added value to the service/educational provision;
 - level of training required to fulfil the needs of the post;
 - current salary;
 - level of experience.
- 4.4. In exercising this discretion the service manager/head teacher will treat employees fairly and consistently, taking account of the requirements of equal

The Procedure

opportunities legislation and will record the reasons for their decision. Points on the main pay range, once awarded, will not be taken away whilst at the Council.

Main Pay Range Progression

- 4.5. The Council's Teacher's Appraisal Policy ensures that a review against performance objectives and the Teachers' Standards (England) is undertaken annually with all main pay range teachers. The service manager/head teacher will report the conclusions of these performance appraisals with pay progression recommendations to the relevant service director.
- 4.6. The relevant service director will then determine whether or not to award any progression for all main pay range teachers who have completed a year of employment since the previous pay determination.
- 4.7. The Council has determined that main pay range teachers will progress through the pay range on the basis of 1 point per successful appraisal in accordance with the Council's Teachers Appraisal Policy.
- 4.8. The Council will not exercise its discretion to award additional points where the teacher's performance in the previous 12 months has been excellent having regard to all aspects of their professional duties.
- 4.9. The Council will not progress a main pay range teacher through the pay range when performance is determined as requiring a supportive action plan in accordance with the Council's Capability Policy and Procedure.

Progression on to the Upper Pay Range

- 4.10. The service manager/head teacher will accept applications once a year from teachers at any point on the main pay range to be paid on the upper pay range and applications must be received by 31 October.
- 4.11. It is the responsibility of the teacher to notify the service manager/head teacher that they wish to apply for the upper pay range and must provide the following:
 - evidence that they are highly competent in all elements of the relevant standards;
 - evidence of their contribution and achievements to the service/educational provision.
- 4.12. The service manager/head teacher will assess any application for progression to the upper pay range received and will make a recommendation to the relevant service director based on being satisfied that:
 - the qualified teacher is highly competent in all elements of the Teachers' Standards (England);

The Procedure

- the qualified teacher has made substantial and sustained achievements and contributions to the service/educational provision.

4.13. Across the Council, this means:

- “highly competent” - having excellent depth and breadth of knowledge, skill and understanding of the Teachers’ Standards (England)
- “substantial” - raising standards of teaching and learning whilst making a significant wider contribution to school improvement, which impacts on pupil progress and the effectiveness of staff and colleagues
- “sustained” - two consecutive successful appraisal reports and have made good progress towards performance objectives during this period.

4.14. The relevant service director will then determine by 30 November whether or not to progress main pay range teachers onto the upper pay range. Any decision made applies only to the teacher’s employment with the Council.

4.15. The Council has determined that all main pay range teachers successfully progressing to the upper pay range will be placed on the minimum point of the upper pay range.

4.16. Where main pay range teachers have been unsuccessful the service manager/head teacher will provide detailed feedback in writing by 31 December.

Upper Pay Range

4.17. The upper pay range will have 3 points as determined by the Council. The upper pay range is attached at appendix 4.

Progression within the Upper Pay Range

4.18. The relevant service director will determine annually whether or not to increase the salary of all upper pay range teachers who have completed a year of employment since the previous pay determination and will consider recommendations made by the service manager/ head teacher.

4.19. The relevant service director will award progression where there has been evidence of substantial and sustained high quality of performance taking into account:

- the achievement of, or good progress towards achieving, the performance criteria agreed in the appraisal plan;
- the sustained and significant contribution to the service;
- two consecutive successful performance appraisals.

4.20. The Council will not progress a teacher through the upper pay range when performance has been determined as requiring a supportive action plan in accordance with the Council’s Capability Policy and Procedure.

Acting Allowances

- 4.21. The Council may award an acting allowance to a teacher who, for a minimum period of one month, carries out the duties of any member of the leadership group.
- 4.22. Such an allowance would be assessed as though the teacher had been appointed to the substantive post. Payment will be made on the lowest point of the appropriate pay range. Payment may be backdated to the commencement of the duties.

5. Supply Teachers

- 5.1. The Council has determined that supply teachers will be placed on the minimum of the main pay range. The service manager/head teacher has discretion to award further salary in appropriate circumstances having regard to any qualifications or experience they may have, which they consider to be of value and will base this decision on the following criteria:
 - qualifications;
 - added value to the service;
 - current salary;
 - level of experience.
- 5.2. Teachers employed on a day-to-day or other short notice basis will be paid on a daily basis calculated on a full working year consisting of 195 days. Periods of employment for less than a day will be calculated pro rata to the number of hours that the teacher is employed during the course of the school's timetabled teaching week.

6. Part Time Teachers Working Time Arrangements

- 6.1. Part time teachers will be paid on a pro rata basis as a proportion of the time a full time teacher works, based on the School Timetabled Teaching Week (STTW).
- 6.2. The STTW refers to the session hours that are timetabled for teaching, including PPA time and other non-contact time but excluding break times, registration and assemblies.
- 6.3. The STTW of a full time teacher is to be used as the figure for calculating the percentage for a part time teacher. The STTW will be reviewed and revised whenever the session times or the timetabled teaching week is amended.

7. Teachers - Additional Payments

Teaching and Learning Responsibility payments (TLR)

- 7.1. The Council will include teaching and learning responsibility posts on the service's structure for clearly defined and permanent additional responsibilities to ensure the continuous delivery of high quality teaching and learning. All responsibilities will be reviewed and evaluated regularly and job profiles will make clear the responsibilities for which a TLR is awarded.
- 7.2. TLR 1 and 2 posts will be established on a permanent basis and subject to review at the same time as the staffing structure is reviewed. The Council will not establish a post which carries both TLR 1 and 2 responsibilities. However, on review it may be that the TLR payments are amended to reflect any permanent changes in responsibilities.
- 7.3. The Council has set the TLR Level 1 annual payments as:
- | | | | |
|--------|--------|---------|---------|
| £7,699 | £9,474 | £11,252 | £13,027 |
|--------|--------|---------|---------|
- 7.4. The Council has set the TLR Level 2 annual payments as:
- | | | |
|--------|--------|--------|
| £2,667 | £4,591 | £6,515 |
|--------|--------|--------|
- 7.5. Where TLR 1 and 2s are awarded to part-time teachers they will be paid pro rata at the same proportion as the teacher's part-time contract.
- 7.6. A teacher may hold a TLR 1 or 2 on a temporary basis where they are acting up in the absence of a permanent post holder. The details of this acting up arrangement will be confirmed in writing and in these circumstances there will be no entitlement to safeguarding when the arrangement ceases.
- 7.7. The service manager/head teacher will attach a TLR 3 to any teacher's post for a fixed term period for a defined service improvement project or a one-off externally driven responsibility.
- 7.8. The service manager/head teacher will determine the amount paid for a TLR 3 taking into account the nature and responsibility of the work involved. The service manager/head teacher will also establish the length of time required for completion at the outset. Payment for a TLR 3 will be made on a monthly basis for the duration of the fixed term period. On completion of the TLR 3 a teacher will not be entitled to safeguarding.
- 7.9. The Council has set the TLR Level 3 payments as:
- | | | |
|------|--------|--------|
| £529 | £1,579 | £2,630 |
|------|--------|--------|
- 7.10. The Council will ensure that a written notification will be given at the time of appointment into a TLR 1 or 2 post or at the attachment of a TLR 3.

Recruitment and Retention Payments

- 7.11. Where the relevant service director has awarded a recruitment or retention incentive to the deputy or assistant head teachers under a previous Document, they may continue to make that payment, at its existing value, until such time as the deputy or assistant head teacher's pay range is re-determined under the Document.
- 7.12. The relevant service director has the discretion to make recruitment and retention payments to leading practitioners and teachers.
- 7.13. Payments for recruitment will only be made when all attempts to recruit a suitably qualified teacher have failed.
- 7.14. Payments for retention will only be made in the following circumstances:
- to retain a specialist skill, knowledge, experience that no other employee has and is required by the service/educational provision for its improvement plan;
 - specialist knowledge which cannot be quickly passed on to a colleague; or
 - where there will be a difficulty to recruit someone with that skill, knowledge or experience.
- 7.15. The Council has determined that the payments for recruitment and retention will be £2,667 per annum.
- 7.16. The relevant service director will determine the period over which recruitment and retention payments are to be made and will specify the expected duration at the commencement of the payment. Any such payments will be regularly reviewed and will be withdrawn at the end of the specified duration unless there are exceptional circumstances to justify an extension.
- 7.17. The Council will ensure that a written notification will be given at the time of the payment being determined.

Special Educational Needs (SEN) Allowance

- 7.18. The Council will award an SEN allowance of not less than £2,106 and not more than £4,158 per annum to a teacher.
- 7.19. In normal circumstances, the allowance for SEN will be awarded at the minimum value. For a particular shortage of skills, the service manager/head teacher will use their discretion to determine a higher value taking into account:
- whether any mandatory qualifications (visually, hearing impaired or autism qualification) are required for the post;
 - the qualifications or expertise of the teacher relevant to the post;
 - the relative demands of the post.

The Procedure

7.20. The service manager/head teacher will award a SEN Allowance to a classroom teacher who is:

- teaching pupils in one or more designated special classes or units in the service/educational provision (£2,106);
- in any SEN post that requires a mandatory SEN qualification (not the National Award for Special Educational Needs Co – ordination which should be included in a TLR payment) (£3,092).

7.21. The SEN Allowance will have 2 spot values as determined by the Council and shown above.

Unqualified Teacher's Allowance

7.22. The Council has determined an additional allowance of not more than £2,667 per annum will be paid to an unqualified teacher where the service manager/head teacher considers the teacher has:

- taken on a sustained additional responsibility which is focused on teaching and learning and requires the teacher to exercise their professional skills and judgement; or
- qualifications or experience which brings added value.

Payment for Initial Teacher Training (ITT) Activities

7.23. The Council may make an additional payment to teachers, including members of the leadership group (excluding the head teacher and any leading practitioner), for activities related to the provision of ITT.

7.24. ITT activities might include supervising and observing teaching practice, giving feedback to students on their performance and acting as professional mentors, running seminars or tutorials on aspects of the course and formally assessing students' competence.

7.25. Leading practitioners are not eligible for this additional payment as it is a requirement of their role in school and therefore should be taken into consideration when determining their pay range. Payment would not be appropriate to assist in the mentoring and training of newly appointed employees.

7.26. Responsibilities for ITT activities may be included in a TLR role. However, this would not result in the payment as detailed below.

7.27. Payment for activities related to the provision of ITT as part of the ordinary conduct of the school will be determined by the service manager/head teacher taking into account the level of funding available to the Council by virtue of its partnership with a higher education institution. Such payments will be made at the daily rate of 1/195 or at a percentage of the daily rate.

Out of School Hours Learning Activity
(i.e. booster classes, homework clubs, summer schools, etc.)

- 7.28. The Council will pay teachers, excluding the head teacher, who participate in out-of-school hours learning activities provided:
- the teacher has been asked by the service manager/head teacher to participate in such activity and has agreed to do so;
 - the teacher has made a substantial and, where appropriate, regular commitment to such activity;
 - such activity has taken place outside the 1265 directed hours of working.
- 7.29. The basis on which this payment is made by the Council to the teacher will be reviewed on a regular basis. Payment will be based at a pro rata rate of 1/1265 hours.

Payment for Continuing Professional Development

- 7.30. The Council has the discretion to award to teachers, excluding the head teacher, an additional payment for undertaking voluntary continuing professional development at weekends or in school holidays where:
- the teacher has been asked by service manager/head teacher to participate in such activity and has agreed to do so;
 - the teacher has made a substantial and, where appropriate, regular commitment to such activity;
 - such activity has taken place outside the 1265 directed hours of working.
- 7.31. The basis on which such payment is made by the Council to the teacher will be reviewed on a regular basis. Payment will be based at a daily rate of 1/195 or at a percentage of the daily rate.

8. Safeguarding - Teachers

- 8.1. The Council will apply the safeguarding principles to all teachers in accordance with the Document.

9. Appeals

- 9.1. All teachers employed in the Council may appeal against a pay determination or any other decision that affects their pay. All teachers should understand that any decision made under the appeals process is final and there is no further right of appeal or recourse under the Council's grievance policy and procedure.

Reasons for Appeal

- 9.2. All pay determinations for teachers will be based upon the Document. Decisions on pay determination and the basis on which the decision has been made will always be confirmed in writing. Appeals against the decision of the relevant service director will normally fall within, but are not limited to, the following areas:
- incorrectly applying the Document;
 - incorrectly applying the Council's Centrally Employed Teachers' Pay Policy;
 - failure to have regard for statutory guidance;
 - failure to take proper account of relevant evidence;
 - potentially biased;
 - taking account of irrelevant or inappropriate evidence; or
 - potentially discriminating against the employee.

Appeals Process

- 9.3. If a teacher is not satisfied with the written pay determination they must:
- set out in writing their grounds for appeal;
 - address their written appeal to the relevant strategic director;
 - submit their written appeal within 10 working days of receipt of their written pay determination.
- 9.4. The relevant strategic director will convene a meeting to hear the appeal within 20 working days of receipt of the written appeal and the teacher will be notified in writing of the date of the meeting and be notified of their right to be represented by their trade union representative or work colleague.
- 9.5. The teacher will offer an alternative date within 5 working days of the original date if they or their chosen trade union representative or work colleague has a justifiable reason to not be available for the original date.
- 9.6. Any relevant written documentation that will be referred to, including the written appeal letter, will be circulated to all parties at least 5 working days before the meeting.
- 9.7. At the meeting, the relevant strategic director will hear representations from the relevant service director and the teacher concerned. All parties will be given the opportunity to ask questions of each other and to summarise their representations. The relevant strategic director will then adjourn and review the original pay determination based on the evidence provided and the criteria set in the Council's pay policy. The relevant strategic director will either dismiss the appeal or refer the teacher's pay determination back to the relevant service director for redetermination.

The Procedure

- 9.8. The relevant strategic director's decision will be confirmed in writing to the teacher within 5 working days of the appeal meeting.

Appendix 1

Leadership Pay Range – Head Teachers

Group 1

L6	44,544
L7	45,743
L8	46,799
L9	47,967
L10	49,199
L11	50,476
L12	51,639
L13	52,930
L14	54,250
L15	55,600
L16	57,077
L17	58,389
L18a	59,264

Group 2

L8	46,799
L9	47,967
L10	49,199
L11	50,476
L12	51,639
L13	52,930
L14	54,250
L15	55,600
L16	57,077
L17	58,389
L18	59,857
L19	61,341
L20	62,863
L21a	63,779

Group 3

L11	50,476
L12	51,639
L13	52,930
L14	54,250
L15	55,600
L16	57,077
L17	58,389
L18	59,857
L19	61,341
L20	62,863
L21	64,417
L22	66,017
L23	67,652
L24a	68,643

Appendix 1

Group 4

L14	54,250
L15	55,600
L16	57,077
L17	58,389
L18	59,857
L19	61,341
L20	62,863
L21	64,417
L22	66,017
L23	67,652
L24	69,330
L25	71,053
L26	72,810
L27a	73,876

Group 5

L18	59,857
L19	61,341
L20	62,863
L21	64,417
L22	66,017
L23	67,652
L24	69,330
L25	71,053
L26	72,810
L27	74,615
L28	76,466
L29	78,359
L30	80,310
L31a	81,478

Group 6

L21	64,417
L22	66,017
L23	67,652
L24	69,330
L25	71,053
L26	72,810
L27	74,615
L28	76,466
L29	78,359
L30	80,310
L31	82,293
L32	84,339
L33	86,435
L34	88,571
L35a	89,874

Appendix 1

Group 7

L24	69,330
L25	71,053
L26	72,810
L27	74,615
L28	76,466
L29	78,359
L30	80,310
L31	82,293
L32	84,339
L33	86,435
L34	88,571
L35	90,773
L36	93,020
L37	95,333
L38	97,692
L39a	99,081

Group 8

L28	76,466
L29	78,359
L30	80,310
L31	82,293
L32	84,339
L33	86,435
L34	88,571
L35	90,773
L36	93,020
L37	95,333
L38	97,692
L39	100,072
L40	102,570
L41	105,132
L42	107,766
L43	109,366

Appendix 2

Leadership Pay Range – Deputy/Assistant Head Teachers

D1	39,374
D2	40,360
D3	41,368
D4	42,398
D5	43,454
D6	44,544
D7	45,743
D8	46,799
D9	47,967
D10	49,199
D11	50,476
D12	51,639
D13	52,930
D14	54,250
D15	55,600
D16	57,077
D17	58,389
D18	59,857
D19	61,341
D20	62,863
D21	64,417
D22	66,017
D23	67,652
D24	69,330
D25	71,053
D26	72,810
D27	74,615
D28	76,466
D29	78,359
D30	80,310
D31	82,293
D32	84,339
D33	86,435
D34	88,571
D35	90,773
D36	93,020
D37	95,333
D38	97,692
D39	100,072
D40	102,570
D41	105,132
D42	107,766
D43	109,366

Appendix 3

Leadership Pay Range - Leading Practitioners

P1	39,374
P2	40,360
P3	41,368
P4	42,398
P5	43,454
P6	44,544
P7	45,743
P8	46,799
P9	47,967
P10	49,199
P11	50,476
P12	51,639
P13	52,930
P14	54,250
P15	55,600
P16	57,077
P17	58,389
P18	59,857

Appendix 4

Unqualified Pay Range

1	16,626
2	18,560
3	20,492
4	22,426
5	24,361
6	26,295

Main Pay Range

M1	22,917
M2	24,728
M3	26,716
M4	28,772
M5	31,039
M6	33,824

Upper Pay Range

U1	35,927
U2	37,258
U3	38,633

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**REPORT TO CABINET
19 DECEMBER 2017**

TITLE OF REPORT: Brownfield Land Register and Permission in Principle

**REPORT OF: Mike Barker, Strategic Director, Corporate Services and Governance
Paul Dowling, Strategic Director, Communities and Environment**

Purpose of the report

1. This report seeks approval for changes to the Council's constitution to enable the Council, in its capacity as Local Planning Authority, to discharge new statutory duties to create, maintain and publish a register of Brownfield Land, and the adoption of a decision making framework for allocation of sites to Part 2 of that register thereby granting Permission in Principle (PIP) for residential development of those sites.

Background

2. The Town and Country Planning (Brownfield Land Register) Regulations 2017 (the Regulations) came into force on 16th April 2017, initiating the requirement for councils to create and publish Brownfield Land Registers. All Local Planning Authorities (LPAs) must publish a Brownfield Land Register by 31st December 2017. A Brownfield Land Register must be made up of two parts – Part 1 and Part 2.

Brownfield Land Register Part 1

3. Part 1 of a Brownfield Land Register is a list of sites that an LPA considers to be appropriate for residential or residential-led development. Sites must be included if they meet the definition of Brownfield Land as set out in the glossary to the National Planning Policy Framework (NPPF) and meet certain criteria stated in the Regulations.

Brownfield Land Register Part 2 and Permission in Principle

4. Pursuant to the Town and Country Planning (Permission in Principle) Order 2017 sites allocated to Part 2 of the register are automatically granted permission in principle for residential or residential-led development. Sites allocated to Part 2 of the register will therefore have an implementable planning permission subject only to the requirement that a Technical Details Consent (TDC) dealing with issues such as design, layout and parking must be obtained from the LPA.

Technical Details Consent

5. Once a site has a PIP, the developer or landowner has 5 years (or alternative period as agreed with the LPA) to seek TDC, the granting of which will mean that the site has an implementable planning permission. The LPA is under no obligation to approve TDC; however it cannot re-consider the *principle* of development on the site or the number of dwellings that the site can accommodate. A TDC application can only be submitted as a single application and not broken up into parts.

Proposals

Brownfield Land Register Part 1

6. To meet the government's timescales it is proposed to publish a Part 1 Brownfield Land Register by 31 December 2017.
7. An extract of the proposed Part 1 Brownfield Land Register is attached at Appendix 2.
8. Part 1 of the Register would be reviewed at least once per year and it is proposed that each review be under existing delegated powers given that the process is a legal requirement and that there is a duty to include sites on Part 1 of the register provided they meet the relevant criteria in the Regulations.

Brownfield Land Register Part 2 and Permission in Principle

9. The Regulations mean it is necessary for the Council to adopt a legal framework for deciding:
 - i. whether a site should be included on Part 2 of the register and thereby granted PIP; and
 - ii. whether a developer or landowner should, on application, be granted TDC.
10. It is proposed that responsibility for inclusion of sites on Part 2 of the register and for deciding applications for TDC should lie with the Planning and Development Committee and should be further delegated to the Service Director, Development, Transport and Public Protection, subject to the same limits and triggers for referral to Planning and Development Committee as exist in relation to planning applications.
11. It is further proposed that Spatial Planning and Environment and Housing Growth (SPE&HG), in consultation with other sections of the Council, would be responsible for initially proposing which sites should be included under Part 2 of the Register. In doing this, the order of priority would be:
 - i. Council-owned sites which are earmarked for in-house development.
 - ii. Council-owned sites.
 - iii. Other sites.

12. SPE&HG would prepare a Development Framework for each site proposed to be on Part 2 of the Register to help to establish any constraints on the site and ultimately establish if the site is suitable for housing and the amount of housing that could be accommodated.
13. Consultation on the framework would then take place with internal consultees and Ward Members with any comments taken into consideration, and if necessary the framework amended or abandoned.
14. The framework would then be submitted to Development Management for independent assessment. As part of this process, external consultation would take place and site notices would be displayed along with the other consultation and procedural measures set out in the Regulations.
15. Consideration would then be given to any representations received and a decision (or where relevant recommendation) would be made whether to enter the site onto Part 2 of the Register (and therefore grant PIP), amend the framework and then enter onto Part 2 or not to proceed with the site's entry onto Part 2 of the Register.
16. The decision whether a site is entered into Part 2 of the register would be made either by the Service Director, Development, Transport and Public Protection under delegated authority or by the Planning and Development Committee, consistent with the Council's scheme of delegation for planning applications. The scheme of delegation in the Council's constitution would need to be amended to allow this (Appendix 3).

Technical Details Consent

17. It is further proposed that applications be made to the Development Management section and be considered in the same way as planning applications, albeit that the principle of development and amount of housing would not be relevant considerations and the timescales for determination would differ. The application would either be determined under delegated powers or by the Planning and Development Committee in accordance with the Council's scheme of delegation as proposed to be amended (Appendix 3).

Recommendations

18. It is recommended that Cabinet:
 - (i) notes the intended publication of Part 1 of the Brownfield Land Register in December 2017 and that it will be annually updated under existing delegated powers;
 - (ii) approves the decision making framework for Part 2 of the Brownfield Land Register and TDC; and

- (iii) recommends Council to approve the proposed amendments to the scheme of delegation in the Council's constitution (set out in full in Appendix 3)

For the following reasons:

- (i) To ensure that the regulatory requirements regarding the Brownfield Land Register and PIP are met.
- (ii) To ensure that the Council has a proper constitutional as well as statutory basis for decisions in respect of PIPs and TDCs.
- (iii) To ensure that the correct balance is struck between timely decision making and appropriate consultation, publicity, oversight and scrutiny.
- (iv) To assist in the delivery of additional housing in the Borough.
- (v) To encourage the use of brownfield land for housing or housing-led development.
- (vi) To assist in the use of appropriate Council-owned land for housing or housing-led development.
- (vii) To assist in-house delivery of new housing.

CONTACT: Brendan McNeany extension: 2610

Policy Context

1. The proposals will align with Vision 2030, in particular through City of Gateshead, Creative Gateshead and Sustainable Gateshead, by helping to increase the delivery of new housing in the Borough and increasing the redevelopment of brownfield land.
2. The proposals will also align with the Council Plan in terms of encouraging new housing and economic development in the Borough and by providing environmental benefits with the redevelopment of brownfield land.
3. The proposals are in accordance with the Town and Country Planning (Brownfield Land) Regulations 2017, the Town and Country Planning (Permission in Principle) Order 2017 and guidance on the implementation of these regulations contained in the Government's Planning Practice Guidance.

Background

4. The Council (along with a number of other local authorities) took part in a Government pilot scheme in 2016 to produce a Part 1 Brownfield Land Register. The pilot register incorporated 57 sites, a high proportion of which were Council owned. The pilot register has been published on the Council's website at:
<http://www.gateshead.gov.uk/Building%20and%20Development/PlanningpolicyandLDF/LocalPlan/Pilot-Brownfield-Register-July-2016.aspx>

Part 1 of the Brownfield Land Register

5. Sites must be included if they meet the definition of Brownfield Land as set out in the glossary to the National Planning Policy Framework (NPPF) and meet certain criteria set out in the Regulations as follows:
 - 0.25 hectares or larger, or capable of supporting at least 5 dwellings (although the LPA may also choose to include sites smaller than 0.25 hectare).
 - "Suitable" – i.e. allocated in a development plan document (e.g. a local plan), benefitting from planning permission, or the LPA considers it suitable for residential development having considered any adverse impact on the natural environment, the local built environment (including heritage assets), local amenity and any "relevant" representations (i.e. from third parties);
 - "Achievable" – i.e. based on publically available information and any relevant representations, the LPA's opinion that the site will come forward within 15 years; and

- “Available” – either the owner(s) of the site, or the developer in control of the land have expressed an intention to develop (or sell in the case of the owner) the site within 21 days before the entry date on the register, or the LPA considers that there are no ownership or other legal matters that might prevent residential development (again, based on publically available information and any relevant representations).
6. Responsibility for Part 1 of the register falls within existing delegations in the Council’s constitution to the Planning and Development Committee, further delegated to the Service Director, Development, Transport and Public Protection pursuant to Part 3, Schedules 1 and 2 of the constitution regarding the delegation of non-executive functions.
 7. It should be noted that the Brownfield Land Register is different to the Strategic Housing Land Availability Assessment (SHLAA) and the Local Plan (which will comprise the Core Strategy and Urban Core Plan and the Making Spaces for Growing Places document). The SHLAA outlines actual and potential housing sites to form the Council’s housing land supply. Brownfield sites within the SHLAA have been identified to be included in the Brownfield Land Register. The Core Strategy and Urban Core Plan (CSUCP) includes large strategic housing allocations – some brownfield and others greenfield and Making Spaces for Growing Places (MSGP) will allocate further housing sites. A site can still be included in the Brownfield Land Register even if it is allocated in the Local Plan.

Part 2 of the Register and Permission in Principle

8. Once a site is entered into Part 2 of the Brownfield Land Register it is automatically granted PIP.
9. A PIP can include conversions of buildings and changes of use but must be for housing-led development – i.e. where the residential use makes up the majority of floorspace. Appropriate non-residential uses may include, for example, a small proportion of retail, office space or community uses. Non-residential development should be compatible with the proposed residential development.
10. Before entering a site into Part 2, the LPA must:
 - Display a site notice for at least 21 days.
 - Display specified information on their website – namely:
 - A statement that if the site is entered in Part 2 it will be granted PIP;
 - The LPA’s own reference for the land;
 - The name and address of the land;
 - A plan which identifies the land;
 - The area of the land in hectares;
 - The planning status of the land;

- Where the planning status of the land is permissioned, the date that permission was granted and the type of permission (i.e. full or outline permission);
 - The minimum and maximum net number of dwellings, given as a range, which in the LPA's opinion, the land is capable of supporting;
 - Where the development includes non-housing development, the scale of any such development and the use to which it is to be put;
 - Information required under Regulation 26 of the Planning (Hazardous Substances) Regulations 2015 (planning approvals for projects related to hazardous substances) if relevant;
 - The date by which any representations about the proposed entry of the land in Part 2 must be made, which must be at least 14 days from the date the information is published on the website;
 - Where and when the relevant information may be inspected; and
 - How representations may be made.
- Take into account any representations received.
 - Undertake specific notification/consultation requirements for sites within 10 metres of railway land, or where the LPA considers that residential development would constitute development that requires consultation with other parties.
 - Serve notice on a neighbourhood forum or a parish council, where they have previously requested to be notified.
11. It will be for LPAs to decide if they take further steps to inform communities and other interested parties beyond the statutory requirements
12. If development on a site would constitute Environmental Impact Assessment (EIA) development it cannot be included in Part 2 of the register. Development that would be prohibited under habitats protection legislation and development that would consist of the winning and working of minerals also cannot be included on Part 2.
13. It should be noted that PIP does not consider the details of a particular scheme and simply establishes the principle of residential-led development on a site and the number of dwellings that that site can accommodate. However, once PIP is granted these issues cannot be re-considered at TDC stage. No planning conditions can be attached to a PIP.
14. Whilst there has been legislation made for PIP through the Brownfield Land Register, from government consultation it is expected that there will be forthcoming legislation to make PIP available for housing-led development through the allocation of a site in a Development Plan and the ability to apply directly to the LPA for a PIP for small sites (that is sites of 9 dwellings or fewer). If these methods are brought forward there will still need to be a subsequent TDC application.

Technical Details Consent

15. The timescales for an LPA to determine a TDC application are 5 weeks for minor development and 10 weeks for major development.
16. Planning conditions and obligations can be attached to a TDC and there is a right of appeal if a TDC application is refused. If the development is chargeable development within the Community Infrastructure Levy charging schedule in Gateshead it is at TDC where this charge would be levied.

Implications for a Brownfield Land Register and PIP in Gateshead

17. One of the purposes of Brownfield Land Registers is to make information about previously-developed land that is suitable for housing-led development more accessible and given that the register needs to be published on the Council's website it is considered that this purpose will be achieved. It is also clear that the PIP deriving from Brownfield Land Registers provides a further tool for delivering housing growth.
18. In terms of small and medium-sized builders (SMEs), it is clear that the proposed measures will have the potential to increase the delivery of housing by these groups and thus diversify the housing market as the amount of housing delivered by SMEs has dramatically declined over the past 30 years. Some of the reasons for this have been cited as the increasing costs of the planning process, reluctance of banks to authorise borrowing and the greater resources of the volume housebuilders.
19. PIPs would reduce uncertainties and risk for SMEs as a site would automatically benefit from a PIP without having to submit an upfront application. This would mean that SMEs would have a better chance of borrowing money given the greater certainty that a site can be developed for housing and would reduce the upfront costs. The benefit to the Borough would be that there was greater diversity in housing being delivered and an increase in previously-developed land being used.
20. Other sites that are likely to benefit most from PIPs are those that are Council-owned and earmarked for in-house development. This is because drawing up a PIP can benefit from working across different areas in the Council such as Planning, Housing Growth, Council Housing, Design and Technical Services and Property Services. Prior to preparing the PIP there is also a high level of certainty that the site is available and deliverable.
21. It is acknowledged that the requirement to produce a Brownfield Land Register and keep it updated, along with PIPs will put greater demands on Council resources. In particular, a lot of upfront work will now fall on the Council to determine whether sites are suitable for housing and the number of dwellings that can be accommodated. The assessment of how many dwellings can be accommodated will need to be realistic otherwise developers will be inclined to use the traditional planning application route which will defeat the object of a Brownfield Land Register and PIPs.

22. PIPs will not replace the traditional planning application route and are intended to provide an alternative means of obtaining planning permission for housing development.

Consultation

23. The following have been consulted in producing this report.

- Cabinet Members for Environment and Transport Portfolio.
- Members of the Planning and Development Committee

Alternative options

24. Whilst it is mandatory for LPAs to produce Part 1 of the Brownfield Land Register and to update it at least every year, consideration was given to not entering any sites onto Part 2 of the register and therefore not granting PIP for any sites. However, this would mean that an opportunity would be lost to help deliver additional housing on brownfield land, including in-house development on Council-owned sites and increasing opportunities for SME developers.

Implications of recommended options

25. Resources

- a) Financial Implications** – The Strategic Director, Corporate Resources confirms that the cost of implementing the above can be met from existing resources. The provision of the additional information will support the delivery of housing within the borough helping to provide additional revenue to the Council in future years in the form of Council Tax receipts and greater certainty around capital receipts.
- b) Human Resources Implications** - As above, the production and subsequent reviews of Part 1 of the register as well as the background work in support of Part 2 of the register and the granting of PIP and the consideration of TDC applications will require additional officer time. An additional post (1 FTE) was established in 2016 in preparation for the introduction of the new statutory duties.
- c) Property Implications** – Whilst there are no direct property implications for the Council arising from this report, if any Council land is included on the Brown Field Land Register and be the subject of a PIP this will have an impact on the marketing and disposal of the site. Any implications will be highlighted in any future disposal report for any Council land included in the Register.

26. Risk Management Implications – There are no risk management implications arising from this report.

27. Equality and Diversity Implications – There are no equality and diversity implications arising from this report.

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

29. Health Implications – There are no health implications arising from this report.

30. Sustainability Implications - It is considered that the proposals will have positive sustainability implications by helping to deliver increase housing in the Borough and increase the redevelopment of brownfield land.

31. Area and Ward Implications – There are no area and ward implications arising from this report.

32. Background information – The Town and Country Planning (Permission in Principle) Order 2017, the Town and Country Planning (Brownfield Land Register) Regulations 2017 and guidance on the implementation of these regulations contained in the Government's Planning Practice Guidance.

APPENDIX 2

Extract of proposed Part 1 of the Brownfield Land Register (SEE SEPARATE DOCUMENT AT END OF THIS REPORT)

APPENDIX 3

Changes to the scheme of delegation

SCHEDULE 1 – NON-EXECUTIVE FUNCTIONS – DELEGATION TO COUNCIL BODIES

1. Planning and Development Committee

Except when a matter is delegated to the Head of Development and Public Protection, the Planning and Development Committee has delegated power:

- (i) to exercise the powers and duties of the Council as local planning authority under the following legislation (or any statutory modification or re-enactment) and any statutory instruments made under the legislation:
 - a. Part III and Part XV Town and Country Planning Act 1990 – control over development;
 - b. Part VII Town and Country Planning Act 1990 – enforcement;
 - c. Part VIII Town and Country Planning Act 1990 – trees, land adversity affecting amenity and the control of advertisements;
 - d. Part XIII Town and Country Planning Act 1990 – Crown Land;
 - e. Planning (Listed Building and Conservation Areas) Act 1990;
 - f. The Town and Country Planning (Assessment of Environmental Effects) Regulations 1998
- (ii) to exercise the powers and duties of the Council under the Planning (Hazardous Substances) Act 1990
- (iii) to exercise the powers and duties of the Council as Local Planning Authority under the Hedgerows Regulations 1997;
- (iv) to respond to waste management licence consultations from the Environment Agency
- (v) to respond to consultations from other local planning authorities and from Government departments and agencies relating to development control matters
- (vi) to determine the conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites are to be subject;

- (vii) to exercise the powers of the Council to make limestone pavement orders under the Wildlife and Countryside Act 1981;
- (viii) to exercise the powers of the Council:
 - a. to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to an exchange of lands under the Acquisition of Land Act 1981 or an order under the Inclosure Act 1845;
 - b. to register variation of rights of common.
- (ix) To exercise the powers of the Council under the Town and Country Planning (Brownfield Land Register) Regulations 2017 to prepare and maintain a register of previously developed land; and
- (x) To exercise the powers of the Council under the Housing and Planning Act 2016 and the Town and Country Planning (Permission in Principle) Order 2017 to allocate land to Part 2 of the Council's register of previously developed land.

[...]

PART 1 – DELEGATIONS TO INDIVIDUAL MANAGERS

1. Strategic Director, Communities and Environment

- (1) To exercise the powers of the Council in accordance with the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and to authorise officers under his control to exercise such powers under Parts 4-6 of those Regulations.

Service Director, Development, Public Protection and Transport Strategy

- (1) Save in respect of matters otherwise reserved to the Council's Licensing and Regulatory Committees, to exercise the powers and duties of the Council for the application of legislation including the appointment and authorisation of appropriate officers, to authorise, sign and serve all notices and deal with all applications, variations, licences, consents, revocations and suspensions, and take all necessary enforcement action including to issue simple cautions, on behalf of the Council in respect of its responsibilities for matters of:
 - a) public health and environmental protection
 - b) noise pollution, air pollution and integrated pollution control and air quality management
 - c) housing and building security
 - d) fire safety

- e) trading standards and consumer protection (including the appointment and termination of the Chief, and Deputy Chief, Inspector of weights and measures)
 - f) food safety and hygiene
 - g) licensing under the Licensing Act and Gambling Act
 - h) sex establishment, street trading and private hire/hackney carriage licensing
 - i) building regulations
 - j) animal health and animal licensing
 - k) pest control under the Prevention of Damage by the Pest Act 1949
 - l) health and safety, control of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piecing and electrolysis
 - m) highways licensing and enforcement
 - n) climate change
- (2) Under the Licensing Act 2003 and Gambling Act 2005 and as delegated by the Licensing and Regulatory Committees:
- a) to determine any application or similar matter, where there are no relevant objections or representation;
 - b) to determine whether a complaint is irrelevant, frivolous or vexatious;
 - c) to make representations for a review of a premises licence.
- (3) To authorise persons to accompany inspectors and to include exercise of powers under the Health and Safety at Work Act 1974 or Environmental Act 1995.
- (4) To carry out provisions of Part 1 and Schedules 1 and 2 of the Health Act 2006 and all delegated legislation made under these parts of the Act.
- (5) To authorise transfers of enforcement responsibility between the Health and Safety Executive and the Council under the Health and Safety (Enforcing Authority) Regulations 1998.
- (6) On the recommendation of the Proper Officer, to appoint Deputy Proper officers in relation to medical services provided by the Council.
- (7) To determine applications, notifications, consultation, enforcement and all other matters within the terms of reference of the Planning and Development Committee subject to the exceptions specified below:
- a) Applications (other than those for the discharge of conditions, extensions of time, section 73 applications, applications relating to block improvements of housing market renewal schemes or replacement of new industrial development (use class B1, B2 or B8)) in the Team Valley for major development as defined as:
 - Residential development of 10 or more dwellings, or where the number is not specified, the site is more than 0.5 hectares;

- Other development where the floor space is 1000 square meters or more or the site is one hectare or more;
- Where a major development is subject to a change of use, it will be classed as a major development and not a change of use.

The Service Director, Development and Public Protection may refuse an application for major development where it is clearly contrary to a relevant Council planning policy.

- b) Mineral applications
- c) Applications which are a departure from the Development Plan as defined by the Town and Country Planning (Development Procedure) (England) Order 2015 if the Council was minded to grant permission for them.
- d) Applications which are subject to an objection from a statutory consultee (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 which has not been resolved by negotiation or the imposition of conditions.
- e) Applications (other than those for PS2 reporting defined minor and other development or the discharge of conditions) submitted by or on behalf of the Council for its own development which are the subject of an objection which has not been resolved by negotiation or the imposition of conditions.
- f) Applications submitted by or on behalf of a Gateshead Councillor or their spouse or partner.
- g) Applications submitted by or on behalf of:
 - The Chief Executive or any Strategic Director or the Service Director, Development and Public Protection
 - Any member of staff of the Development Management Team
 - Any member of staff directly involved in the processing or determination of any planning application
- h) Applications where five or more relevant and material planning objections have been lodged in writing, or a member of the Council, Member of Parliament for the Borough, Member of the European Parliament for the Borough or a parish council within the Borough has objected to it or asked that it be determined by the Planning and Development Committee.
- i) Applications where speaking rights have been requested and where there are five or more relevant and material objections have been lodged in writing in accordance with the scheme for speaking at Planning and Development Committee.

- j) Decisions in respect of the allocation of land to Part 2 of the Council's register of previously developed land kept pursuant to the Town and Country Planning (Brownfield Land Register) Regulations 2017 where the allocation would give rise to permission in principle:
- for residential development of 10 or more dwellings, or where the number is not specified, the site is more than 0.5 hectares;
 - for other development where the floor space is 1000 square meters or more or the site is one hectare or more;
 - which would be a departure from the Development Plan as defined by the Town and Country Planning (Development Procedure) (England) Order 2015;
 - which would be contrary to an objection from a statutory consultee (as defined in the Town and Country Planning (Brownfield Land Register) Regulations 2017 which has not been resolved by negotiation or the imposition of conditions;
 - in respect of land owned by
 - a Gateshead Councillor or their spouse or partner;
 - The Chief Executive or any Strategic Director or the Service Director, Development, Public Protection and Transport Strategy;
 - Any member of staff of the Development Management Team or the Spatial Planning and Environment Team; or
 - Any member of staff directly involved in the processing or determination of the allocation
 - where five or more relevant and material planning objections have been lodged in writing, or a member of the Council, Member of Parliament for the Borough, Member of the European Parliament for the Borough or a parish council within the Borough has objected to it or asked that allocation be determined by the Planning and Development Committee.
- k) Applications which the Service Director, Development and Public Protection considers should be determined by Planning and Development Committee having regard to approved guidance on this matter.
- (8) Subject to the agreement of the Strategic Director, Corporate Services and Governance to agree to the Council entering into a planning obligation under section 106 of the Town and Country Planning Act 1990.
- (9) To determine whether planning applications should be subject to an environmental assessment (screening opinion) and the data which should be contained in environmental assessments (scoping report).
- (10) To respond to consultations from neighbouring planning authorities on applications.

- (11) To determine applications for certificate of lawfulness applications in all cases whether or not objections are received due to the nature of these applications being dealt with on 'balance of probability' for existing uses or by fact for proposed lawful uses.
- (12) With regard to the Planning (Hazardous Substances) Act 1990 to:
- a) Grant but not refuse hazardous substances consent
 - b) Vary or remove conditions imposed upon a hazardous substance or deemed consent
or
 - c) Authorise the continuation of hazardous substances consent where there has been a change in the control of the land to which the consent related, provided that in the case of any application:
 1. no more than three relevant and material planning objections have been lodged in writing against it, and
 2. no member of the Council, Member of Parliament for the Borough, Member of the European Parliament for the Borough or a town or parish council within the Borough has objected to it or asked that it is determined by the Planning and Development Committee.
- (13) To determine applications for prior approval in relation to permitted development proposals in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and any subsequent amendments to it.
- (14) To decline to determine repetitive applications for planning permission under the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) and for advertisement consent under the Town and Country (Control of Advertisements) (England) Regulations 2007.
- (15) Following consultation with the Strategic Director, Corporate Services and Governance, to determine whether to take enforcement action under the provisions of the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990, including proceedings in the courts, in cases where retrospective applications for planning permission, conservation area consent or listed building consent have been refused by the Planning and Development Committee.
- (16) To issue simple cautions to persons guilty of criminal offences involving breaches of planning control.
- (17) To administer and determine complaints about high hedges under the Anti-Social Behaviour Act 2003.

- (18) To authorise in writing persons not directly employed by the Council but who are, by agreement, carrying out work in connection with any other delegated function or power to exercise any necessary power or entry, inspection or enforcement under relevant legislation. Similarly to authorise employees of other services in the Council, but this power shall only be exercised with the agreement of the employee's manager or the Strategic Director for that service.
- (19) To exercise the power of the Council under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 to suspend or revoke the licence(s) of Hackney Carriage and Private Hire Vehicle drivers with immediate effect where, following consultation with the Chair and/or Vice Chair of the Regulatory Committee, doing so appears to be in the interests of public safety.
- (20) To approve the issuing of Hackney Carriage and Private Hire Vehicle licences where the vehicle exceeds the Council's upper age policy and:
- (i) the vehicle does not exceed the Council's upper age policy by more than 12 months;
 - (ii) where the vehicle is in "exceptional condition" (as determined by the Council's approved testing procedure);
 - (iii) the vehicle meets all of the Council's standard conditions; and
 - (iv) upon the condition that the vehicle be tested three times during the twelve month licence period (pro rata) at the licensee's expense.
- (21) To transfer Hackney Carriage and Private Hire Vehicle licenses where the application meets the Council's standard conditions approved by the Council from time to time.
- (22) To grant and renew licences for Hackney Carriages and Private Hire Vehicles where the application meets the Council's standard conditions save for condition 23 and/or 25 (Hackney Carriages) or 21 (v) (w) and/or 23 (Private Hire Vehicles) but has been inspected by officers from Communities and Environment pursuant to s.50 Local Government (Miscellaneous Provisions) Act 1976, and has been deemed to be safe for use as a Hackney Carriage/Private Hire Vehicle as applicable.
- (23) Save in respect of a matter otherwise reserved to the Council's Planning and Development Committee to authorise, sign and serve notices and take all necessary enforcement action under section 215 and to obtain information under section 330 of the Town and Country Planning Act 1990.
- (24) Save in respect of matters otherwise reserved to the Council's Licensing and Regulatory Committees, to investigate complaints, authorise, sign and serve notices and take all enforcement action relating to statutory nuisance.
- (25) To exercise powers to license the use of land as a caravan site and the use of moveable dwellings and camping sites.

- (26) To obtain particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- (27) To authorise the submission of applications, including proposed conditions, on behalf of the Council to the Secretary of State under s.247 of the Town and Country Planning Act 1990.
- (28) To consider applications received and make orders under s.257 of the Town and Country Planning Act 1990, except where the Service Director for Transport Strategy considers such an application should be determined by the Rights of Way Committee.
- (29) To authorise the making of orders under s.3 of the Cycle Tracks Act 1984, except where the Service Director for Transport Strategy considers such an application should be determined by the Rights of Way Committee.
- (30) To authorise the serving of notices under section 220 of the Highways Act 1980.

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SiteNameAddress	NetDwellingsRangeFrom	NetDwellingsRangeTo
"Site of The Vigo public house, Hartside, Birtley"	4	11
"BAE Systems, Mitchell St, Birtley"	222	367
"Bleach Green, Elm Rd, Blaydon"	97	202
"Blaydon Bank / Litchfield Lane, Winlaton"	6	7
"Ramsay Street, Winlaton"	8	10
"MetroGreen - Derwent West Bank, Derwenthaugh Rd, Blaydon"	173	200
"Shibdon House, Shibdon Rd, Blaydon"	6	7
"Boulevard SW, St Bede's Dr, Gateshead"	54	61
"Pipewellgate, Gateshead"	112	275
"Hudson St car park, Gateshead"	78	165
"Freight Depot, St James Rd, Gateshead"	300	330
"Gateshead Green, High St, Gateshead"	52	57
"Tennyson and Newbolt Towers, Shelley Dr, Gateshead"	45	50
"Windmill Hills School, Bensham Road, Gateshead"	25	55
"Old Town Hall area, West St, Gateshead"	91	100
"High Street area (NW), Gateshead"	20	22
"Jackson Street, Gateshead"	38	23
"New Chandless, Lindisfarne Dr, Gateshead"	257	283
"Heaton Paper Co, Eldon St, Gateshead"	16	20
"Go-Ahead depot, Sunderland Rd, Gateshead"	28	31
"Tynegate blocks, Sunderland Rd, Gateshead"	245	283
"Askew Road (east), Gateshead"	118	162
"Hillgate - Gateshead Quays Key Site (part of), Gateshead"	89	98
"The Point, Fletcher Rd, Gateshead"	47	52
"Site of Northwood APH, Sunderland Rd, Gateshead"	10	11
"Ochre Yards, High Level Rd, Gateshead"	107	118
"Gateshead Quays Key Site (part of), Oakwellgate, Gateshead"	120	132
"Hawks Mill, Hawks Rd, Gateshead"	40	169
"Hopper St, Gateshead"	10	90
"Highfield Primary School, Highfield Rd, Rowlands Gill"	44	32
"Rowlands Gill Infants' School, Sherburn Grn, Rowlands Gill"	13	25
"Former Victoria Institute, Highfield Rd, Rowlands Gill"	4	7
"Site of Children's Home, Malton Grn, Harlow Green, Gateshead"	13	14
"Sealburns Farm, Lead Rd, Greenside"	8	12
"E of Elgin Centre, Elgin Rd, Deckham, Gateshead"	30	62
"33-37 Deckham Tce, Deckham, Gateshead"	6	7
"Swanway, Carr Hill, Gateshead"	4	13
"NE of Elgin Centre, Elgin Rd, Deckham, Gateshead"	20	30
"Site of Deckham Hotel, Old Durham Rd, Gateshead"	4	7
"Dixon Street, Bensham, Gateshead"	56	117
"Clasper Village, Tyne Rd E, Redheugh, Gateshead"	136	199
"Foresters Arms, Askew Rd W, Teams, Gateshead"	2	10
"Meadow Lane garages, Meadow Lane, Dunston, Gateshead"	2	11
"Play area, Wolseley Close, Teams, Gateshead"	18	45
"Ravensworth Rd, Dunston, Gateshead"	45	50
"MetroGreen - Dunston W, St Omers Rd, Dunston, Gateshead"	396	528
"MetroGreen - Dunston SW, Wellington Rd, Dunston, Gateshead"	215	266
"MetroGreen - South, Cross Lane, Dunston, Gateshead"	384	318
"MetroGreen - Riverside West Central, Mandela Way, Dunston, Gateshead"	157	417
"MetroGreen - Riverside East Central, Handy Drive, Dunston, Gateshead"	58	121
"MetroGreen - East, Handy Drive, Dunston, Gateshead"	113	152
"MetroGreen - Riverside South West, Riverside Way, Dunston, Gateshead"	64	151
"Central Nursery, Whickham Highway, Dunston Hill, Gateshead"	154	245
"Dunston Hill School, Ellison Rd, Dunston Hill, Gateshead"	14	20
"Chase Park depot, Chase Park, Whickham"	5	6
Washingwell Cottage, Whickham Highway, Whickham"	4	5
"Part of Dunston Hill Hosp, Whickham Highway, Whickham"	38	42
"Brandling Village, Carlisle St, Felling"	170	264
"Rear of Pensher St East, Old Fold, Gateshead"	16	24
"Acacia Rd, Old Fold, Gateshead"	52	57
"Former Salvation Army premises, Smithburn Rd, Felling"	6	7
"Felling Park Depot, Felling Park, Felling"	5	13
"The Hall, Sunderland Rd, Felling"	16	18
"Whitley Court, Wrekenton, Gateshead"	21	33
"Beacon Lough East, Gateshead"	83	191
"Ravenswood care home site, Church Rd, High Fell, Gateshead"	8	12
"Lyndhurst Centre, Beacon Lough Road, Beacon Lough, Gateshead"	24	40
"Wrekenton Multi-Purpose Centre, High St, Wrekenton, Gateshead"	20	50

"Aycliffe Avenue shops etc, Springwell Estate, Gateshead"	3	6
"Elisabethville, Birtley"	57	120
"Kibblesworth East Farm, Kibblesworth"	7	8
"Seaham Gdns, Wrekenton, Gateshead"	3	6
"High Eighton Farm, Waverley Rd, Harlow Green, Gateshead"	7	12
"Askew Road (West), Gateshead"	52	90
"Belle Vue Motors, Eastern Ave, Low Fell, Gateshead"	9	13
"Eslington Villa, Station Rd, Low Fell, Gateshead"	8	11
"Gateshead Outdoor Activity Centre, Mulberry Park, Low Fell, Gateshead"	8	13
"Queen's Head, Sheriff's Highway, Sheriff Hill, Gateshead"	5	7
"Jordan Engineering, Shields Rd, Pelaw"	16	40
"Wynn Gdns garages, Pelaw"	3	8
"Jolly Fellows, Elvaston Rd, Ryton"	7	8
"The White House, Stella Rd, Stella"	9	10
"East Grange, Barmoor Lane, Ryton"	6	17
"Old Co-op, Hexham Old Rd. Crookhill, Ryton"	3	9
"Ryton Park Hotel, Holburn Lane, Ryton"	4	7
"Kelvin Grove, Bensham, Gateshead"	52	57
"Springs Health Club, Joicey Rd, Low Fell, Gateshead"	14	24
"Hyde Park, Bensham, Gateshead"	40	44
"Clavering Rd, Swalwell"	8	9
"Brewery Bank, Swalwell"	9	10
"Whickham Front St Sch old buildings, School St, Whickham"	6	18
"Whickham Front St Sch new bldgs, School St, Whickham"	8	21
"Derwentside Nursing Home, Swalwell"	22	24
"MetroGreen - Derwent East Bank, Long Rigg, Swalwell"	144	217
"Kipling Avenue garages, Whickham"	6	14
"Crowley Rd / Richmond Ave, Swalwell"	9	10
"Bar 3T, Swalwell"	6	7
Sunniside NE	43	53
Sunniside SE	81	99
"Former Marley Hill School, Marley Hill, Sunniside"	22	24
"Garages, Gladeley Way, Sunniside"	3	6
"The Grange, Marley Hill, Sunniside"	3	3
"Winlaton Care Village, Garesfield Lane, Winlaton"	33	36
"57-59 Front St, Winlaton"	6	7
"Former Hookergate School, High Spen"	46	69
"Barlow Rd, Barlow"	4	9
"Hallgarth, Garth Farm Rd, Winlaton"	27	30
"Winlaton Social Club, Cromwell Place, Winlaton"	15	17

TITLE OF REPORT: Early Help Strategy

REPORT OF: Caroline O'Neill, Strategic Director, Care Wellbeing and Learning

Purpose of the Report

1. To provide Cabinet with the final version of the Early Help Strategy and to seek Council approval of the Strategy.

Background

2. The Early Help Strategy will bring together many strands of work to create a vision for the future where families are resilient and supported within their local community. This will reduce the need for specialist intervention by developing flexible evidence based early interventions which are delivered in a timely way.

Proposal

3. The Council has consulted with partners and stakeholders on the draft Early Help Strategy and have made changes in response to feedback received. No further changes are proposed to the Strategy.

Recommendations

4. Cabinet is asked to recommend the Council to approve the Early Help Strategy

For the following reason:

The Early Help Strategy provides leaders and practitioners working with children, young people and families with information and guidance that will enable them to understand the current context and role of the Early Help Service.

CONTACT: Val Hall

extension: 2782

Policy Context

1. The Early Help Strategy is designed to develop a safe, sustainable partnership approach to providing early intervention and prevention services. The Strategy builds on the good work already being delivered as part of the overarching framework to deliver a coherent and consistent early help offer in which everyone understands the pathways available and their role in delivering services.
2. The Early Help Strategy has been developed within the context of national and local policy. Over the last five years reviews and research have demonstrated the economic and social value of prevention and early intervention programmes and ways of working. Both 'Working Together to Safeguard children 2013' and Professor Eileen Munro's report on the future of safeguarding (2011) pick up these themes and promote the importance of Early Help within the wider safeguarding context.
3. The strategy reflects the current Council Plan and the desired outcomes of the Council's emerging strategic approach "Making Gateshead a Place Where Everyone Thrives".

Background

4. Nationally there is increasing evidence that supporting children and families at the earliest opportunity has significant impact in improving life chances and increasing outcomes into adulthood.
5. Gateshead's Early Help Strategy is a key opportunity to refocus the vision of delivering the right response by the right service at the right time.
6. We need to ensure the needs of vulnerable children, young people and families are identified at the earliest opportunity and that the needs are appropriately assessed and met by working effectively together.
7. Early Help Services should be shaped by the views and experiences of the children, young people and families building resilience and increasing their capacity to manage challenging circumstances before issues escalate and poor outcomes ensue.
8. An early help approach offers families more than a single solution to address emerging issues.
9. Early interventions focus on reducing the risk and promoting a strength based model in the child, young person and family taking full account of their cultural context.

Consultation

10. The Strategy has been in consultation between September 2016 and November 2017. Partners, stakeholders and service users have been consulted during this period.

11. The Cabinet Members for Children and Young People have been consulted.

Alternative Options

12. Cabinet could decide not to approve the Strategy however; this would have significant implications for the development of the Early Help Service and could lead to additional costs being incurred should more expensive interventions be required for families.

Implications of Recommended Option

13. Resources:

a) **Financial Implications** – The Strategic Director, Corporate Resources has confirmed there are no financial implications identified as a result of this report.

b) **Human Resources Implications** – Continual support and development will be provided to staff to ensure they are confident and capable in their abilities to respond to the new way of working.

c) **Property Implications** - None

14. **Risk Management Implication** - None

15. **Equality and Diversity Implications** - This strategy has been developed to ensure that the early help and intervention offer makes a significant contribution to all children, young people and families, irrespective of their protected characteristics.

16. **Crime and Disorder Implications** – None

17. **Health Implications** - None

18. **Sustainability Implications** - None

19. **Human Rights Implications** - None

20. **Area and Ward Implications** - None

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Gateshead's Early Help Strategy

Introduction

Early help and intervention is a force for transforming the lives of children, families and communities, particularly the most disadvantaged. Its importance today in terms of policy and practice owes as much to its economic sense, as well as the social and personal benefits that it can generate.

The aspiration and vision articulated in the plan is that:

'All children and young people are empowered and supported to develop to their full potential and have the life skills and opportunities to play an active part in society' CYPF 2014-17.'

The aim of this strategy is to empower families, professionals from all sectors and local communities to work collaboratively in order to make Gateshead the best place in which to live and develop.

Policy Context

Over the last five years successive reviews have demonstrated the economic and social value of prevention and early intervention programmes and ways of working. There are a number of key documents that provide a compelling argument for the benefit of, and need for early help for children, young people and their families.

Research shows that *'early intervention as a policy issue reflects the widespread recognition that it is better to identify problems early and intervene effectively to prevent their escalation, rather than to respond only when the difficulty has become so acute as to demand action'* - "Grasping the nettle".

We recognise that from conception to the age of two years the effects of disadvantage are magnified. We know that this is a period of significant brain development and that neglect in these early years is likely to lead to a substantial and detrimental impact on a child's development. Equally we know that the other significant period of brain development is during the teenage years as young people approach puberty. This is a time when young people often want to take more risks and it is important that early help services are in place for young people identified as vulnerable. We therefore want to ensure, through our collective approaches outlined in this strategy, that these children will be prioritised with the ambition for all children to get the best start in life.

Both 'Working Together to Safeguard Children 2013' and Professor Eileen Munro's report on the future of safeguarding, 'Munro Review of Child Protection: Final Report' (2011) pick up these themes and promote the importance of early help within the wider safeguarding context.

'Providing early help is more effective in promoting the welfare of children than reacting later. Early help means providing support as soon as a problem emerges, at any point in a child's life, from the foundation years through to the teenage years.' (Working Together to Safeguard Children 2013).

'From a child or young person's point of view, the earlier help is received the better. Research on children's development emphasises the importance of the early years on their long-term outcomes so preventative services to help parents are a key strategy. Early help, however, is needed not just in the early years but throughout childhood as problems develop'. (Munro Review of Child Protection: Final Report 2011).

The vision of Gateshead's Early Help Strategy is to secure a boroughwide approach within which all partners work together collectively to ensure families get the right help at the right time from the right people, thus enabling children young people and their families to achieve success.

Gateshead's Corporate Plan includes a commitment from the Council to providing all children with the **best start in life**. Giving every child the best start in life is crucial to reducing inequalities across the life course. Effective preventative and early intervention services are essential in supporting vulnerable children and young people to reach their potential.

Drivers for Change

The arguments for early help are numerous:

- Research has shown us the damage that can be done to children and young people's development when subjected to neglect such damage is difficult to reverse and so clearly better prevented
- It is cost effective where early help prevents serious problems developing and incurring significant resource from statutory partners. Communities and professionals working together in a more integrated way at an earlier stage helping families to find solutions are likely to change the pattern of demand for more specialist services.

There has been significant changes to the way in which services in Gateshead are configured and delivered. It is recognised that all partners continue to face reductions in budgets and therefore have to re-evaluate how they provide services to meet their priorities in the future.

We know that in Gateshead we have high numbers of children and young people who require protection through child protection planning or by becoming accommodated. Through this strategy we aim to reach those children earlier and provide support which prevents the need for statutory involvement.

We need to provide clarity about our role, how we will work with our partners and how to access support. We will, through this strategy, aim to develop a joined up approach that reaches across the continuum of services from universal to complex support which will enable us to achieve better outcomes.

We know that the issues that affect parents have a significant impact on the children in their care. We will therefore continue to embed our approach of working with families rather than individuals by addressing issues that affect the family unit. Enabling vulnerable parents to develop their parenting skills will be a key element of

support within Early Help. Additionally parents experiencing difficulties in relation to their own emotional and mental health needs, domestic abuse and/or alcohol and substance misuse will require appropriate access to support as soon as issues are identified to prevent further deterioration and minimise the impact on children and young people.

Principles of Early Help

The proposed service model will embed and embody the Council's commitment and shared understanding of the principles of early intervention and prevention, based on a partnership approach. This includes:

- A shared understanding of early intervention and prevention and the outcomes being sought
- Identifying need and providing support at the earliest opportunity to prevent needs escalating
- An approach rooted in communities identifying and targeting services at those most in need and offering accessible support to prevent escalation of need
- Local and community-based support which is accessible and enables the development of formal and informal support networks for parents and helps professionals work together
- Evidence-based programmes and practice - central to an effective support offer alongside a willingness to be innovative and flexible in exploring ways of addressing the needs of an area or target group
- Focusing on increasing resilience to enable children young people and their families to develop the capacity and skills to resist adversity, cope with uncertainty and recover successfully from trauma and to develop personal and social skills and focus on changing behaviour.
- Providing holistic support to address multiple and complex needs and barriers in a co-ordinated way to address family and environmental factors as well as individual needs
- Establishing safe and secure information sharing across partners as appropriate.
- A seamless interface built on empowering community provision to recognise and respond to the needs of families if an intervention is not having the desired effect and therefore, specialist services are needed
- Underpinned by a solution focussed approach as enablers of change rather than always being the provider.

Strategic Objectives

- To provide a comprehensive early help offer which is understood, developed and embedded across all agencies and communities.
- To deliver early help services as a shared organisational responsibility. To do this we will build on the holistic family support model of early help using the Common Assessment Framework (CAF) and Team Around the Family (TAF) approach.
- To provide an Early Help offer that has a tailored approach to children, young people and their families working into locality models which takes into account the communities and context in which families live.
- To reduce the pressure on high level or specialist services by ensuring the needs of children young people and parents/carers do not escalate.

- To ensure safe, appropriate and proportionate information sharing protocols are in place because we know that ‘early sharing of information is the key to providing effective early help where there are emerging problems’ (Working Together 2013).

The key outcomes are to:

- Improve the health and well-being of children and reduce inequalities in outcomes as part of an integrated approach to supporting children and families which has a strong focus on prevention and early identification of needs
- Identify and support those who need additional support and targeted interventions with robust links to adult services where appropriate, for example, parents who need support with their emotional or mental health and well-being.
- Parents/carers are supported to understand the range, availability and value of both statutory and voluntary services for children and families, and are empowered to make appropriate choices to access services which meet their needs, without creating service dependency.

The Gateshead Model

Fundamental to the model’s success is a proactive approach to working across the Council and with communities so that it can provide timely access to a range of interventions from a seamless continuum of services designed around the child, young person and family.

The delivery model will:

- Bring together a range of services which support children and families - a broader range of provision and community activity, including health, emotional wellbeing, behaviour support, family support, advice and support around debt, worklessness and poverty.
- Use CAF and TAF approaches to wrap support around families to meet the multiplicity of their needs.
- Ensure that practitioners identify and intervene with causes rather than with presenting symptoms.
- Harnesses the social capital of communities and use an asset based approach to developing solutions.

In order to achieve this and deliver a seamless service we will operate through one front door. The model provides a single system of access through a ‘front door’ that will provide a managed and researched triage response which may lead to provision of information, signposting and where appropriate detailed background checks in order to determine the appropriate pathway.

The vision for Gateshead’s Early Help Strategy is to secure a co-ordinated approach with all key partner agencies to collectively maximise their resources to enable children, young people and their families become more empowered and resilient.

It will provide a framework to support partners to reshape their existing services to ensure that we work in a more integrated way by working better together to secure better outcomes for children and families through a continuum of early help support.

This is outlined as:

Universal activities/groups (open to all families). These services may be provided by:

- Voluntary community groups and other Council services where Early Help staff or officers from other Council Service areas will be available to offer support to leaders and ensure that families attending are aware of other support that is available to them if needed.
- Community businesses or services that have undergone a selection process to deliver in Children's Centres will receive a contract ensuring information can be safely shared and evidence of outcomes collated. These services will be regularly quality checked by Early Help staff or officers in other Council Service areas e.g. Commissioning, Neighbourhood, Volunteering and Communities. These services/activities may charge parents a nominal fee.

Universal/Targeted activities/groups. These group activities will be developed collaboratively with partners and actively promoted to families who may benefit from them. These services may be provided by:

- Reserved/dedicated places at Early Help facilitated universal activities where additionality is provided by an Early Help Worker or other appropriate officer or partner who will monitor attendance and report on the impact for the family. (Open to those who have been signposted by other professionals or have been identified as requiring additional support).

Targeted/Specialist:

Family Support offered on an individual basis to families usually in the family's home, following the CAF process. This will include work with families who are described as being "low level CIN" and families who have benefitted from social care intervention sufficiently to be 'stepped down' to early help on their journey back to being supported through universal services.

Early Help Service

This model needs to be innovative, flexible and able to respond to the needs of the relevant area(s) driven by local priorities, as identified through the analysis of demographic and other relevant data and local knowledge

- JSNA
- Early years profile
- CAF/TAF analysis of local need
- Levels of need - Health Visitor tier led responses

The delivery model will build upon the FamiliesGateshead initiative to develop a wider child and family focus providing a 0-19 (25 for those who have special educational needs and disabilities) holistic approach to service delivery for children, young people and their families.

The Early Help Service will create a clear early help offer, delivered with partner agencies that provides support as soon as a problem emerges at any point. It will ensure:

- Children grow up in a good family environment.
- Anyone can understand what Gateshead's early help offer is and their role within it.
- We can show the difference that early help makes.
- We set out clear expectations for adults to deliver their parenting responsibilities.

We will have a phased approach to implementation and would seek to integrate into one Early Help Service the following disciplines:-

- Children's Centre staff
- Family Intervention Team
- Young Offenders Team including prevention
- Connexions staff
- Youth Service
- Positive Pathways Team
- Play Service
- Commissioned family support services including counselling/relationship support
- Disabled Children's Team

This will provide a well-co-ordinated, pro-active and multi-skilled service, which is modelled on getting things right the first time, reducing and managing demand and preventing escalation to more specialist and statutory services.

The team will provide proportionate support to the delivery of universal services that are working with children, young people and families whose needs are below the level of targeted/specialist services and can be managed in the community. Additional support and advice can be provided where necessary.

Improved use of data, intelligence and information will encourage and provide universal/targeted group provision that is linked to the needs of communities. These services will be proactively targeted at those most in need of support and ensure wide coverage across the specified area.

The Early Help Service will continue to deliver practical and therapeutic interventions that support families in long term change. The intensity of such interventions will be dependent on assessed need. There will be a clear menu of effective, evidence based interventions and practice which are creative, flexible and available to any tier. They will be based on individual needs to enable the creation of personalised support packages which will ensure positive outcomes are achieved.

Our approach will be predicated on identifying and working with families on root causes to ensure change is embedded and provides long term solutions.

The offer will be accessible to services/teams delivering across the continuum of need. This will ensure that where additional support is necessary to prevent further escalation, which would also include children and families who are being supported through social care.

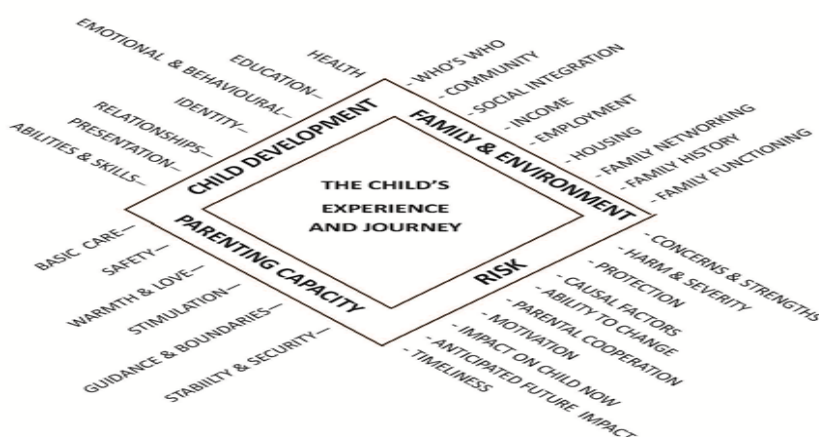
Services will be available flexibly at times that most suit the needs of families and partners within communities including both outreach and centre-based services.

The team will work closely with other Council services, schools, GP practices and other partners to support them in their identification of children where there are concerns, providing advice and guidance on CAF/TAF and ensuring schools and GPs are supported to be fully engaged in the process.

We will measure our success against the Early Help Outcomes Framework and through performance management, quality assurance and audits.

The Gateshead Tool Box

The single assessment framework ensures that the interplay between early assessment and statutory assessment is viewed as a continuum. In Gateshead the CAF and the Child in Need Assessment (CIN) informed by the regional assessment framework are based upon the same principles. The four domains illustrated below provide a consistent approach across early help and specialist social care.



Parenting Offer:

We will invest in parenting programmes that have a clear evidence base for success. We know that parenting programmes in isolation are rarely effective and so will aim to deliver these alongside family support that supports parents to embed their learning in family life. Programme delivery will be co-ordinated centrally to ensure those who are assessed as requiring this form of support are prioritised. We will work in conjunction with partners, particularly the Voluntary Community Sector, in order to deliver a varied and accessible programme that meets assessed need.

Neglect Guidance and Toolkit:

We have high levels of children subject to child protection plans in order to support their safety and wellbeing, and a high proportion of these are under the category of neglect. As a result the LSCB led an inquiry into the reasons for this and current practice for supporting families where neglect was a feature. The resulting multi-agency guidance and subsequent toolkit is currently being rolled out on a multi-agency basis. We will use these resources to underpin our approaches to working with families where neglect is identified as an issue.

Planning Framework:

We will develop a consistent outcome focused planning framework based on the information below (outcomes framework appendix 1) and aligned to the planning framework used in Children's Social Care. Where appropriate we will also use outcomes stars with families to support them in managing their progress. The outcomes framework takes account of the expanded Troubled Families criteria which is already embedded in much of our early intervention work.

Family Group Conferencing:

We will build on the success of our family group conferencing service to broaden its availability to families to support conflict resolution and empower families to reach their own solutions.

Personalisation:

We will continue to deliver a personalised offer for families whose assessed needs require additional bespoke options to promote positive outcomes.

As a Lead Practitioner or Social Worker providing support to families, personalised funding may be available to provide small scale flexible support to promote positive outcomes, ensure safeguarding and prevent further family breakdown. Personalised funding provides an opportunity to be creative and to identify support that will really make a difference in the way tailored services can be provided to respond to the identified needs of a family. We will continue to work with providers particularly where their services support the Local Authority in preventing escalation of need to specialist social care and support children from becoming looked after.

Workforce Development:

Workforce development is essential to the success of the proposed model. To enable early help to become everybody's business practitioners must feel confident and capable in their abilities to respond to presenting issues. We will support the multi-agency children's workforce to recognise and identify early signs and symptoms and understand the help and support available to children, young people and their families. Awareness raising of early help will be a key factor in the success of our approach. Evaluating knowledge and input of partners will be a qualitative measure of effectiveness. It is crucial that we have a consistent Gateshead approach that is evidence led. To that end practitioners will have training and access to the Gateshead toolkit.

We will develop clear and consistent job descriptions for Early Help Workers as a key tool in achieving a well-defined offer and core skills required for delivery including ability to engage effectively with both children and adults.

Early help with appropriate social work input will provide a basis for practical family support linked to core social work principles. We will ensure that there is appropriate access to social work advice/management and co-ordinated management oversight of CAF/TAF. This will support how we measure impact, particularly where cases need to be escalated to social care despite previous interventions.

We will develop a clear information sharing agreement and protocol so that all agencies are clear of their duties in terms of seeking consent and sharing information appropriately.

Governance Arrangements:

The Children's Trust Board will be the responsible partnership board for the oversight and development of our Early Help model. The Children's Trust Board will report into the Health and Wellbeing Board as the statutory board responsible for identifying local needs and producing the Joint Strategic Needs Assessment which informs the development of the Early Help offer.

The LSCB will provide additional scrutiny of the effectiveness of early help and its impact on the safety and wellbeing of all children in Gateshead.

Early Help Outcomes Framework

Child's Developmental Needs		
Description	Indicator of Need / Risk Factor	Intended Outcome
Health	child with physical health problems	Physical health problems resolved or effectively managed through appropriate care package and Child enabled to access age appropriate education and activities
	child with mental health problems (including self-harm)	Mental health problems resolved or effectively managed through appropriate care package and Child enabled to access age appropriate education and activities
	child with a drug or alcohol problem	Substance misuse problems resolved or effectively managed through appropriate care package and Child enabled to access age appropriate education and activities
Education and Training – Participation and Aspirations Age 96	Child Persistently absent from school	At least 90% attendance for all school age children
	Child receiving fixed term exclusions	Reduction in fixed term exclusions
	Child permanently excluded from school	No permanent exclusions
	Child attending alternative education provision for behavioural problems	Attendance of at least 90% of alternative provision and/or reintegration into mainstream provision where appropriate
	Child who is not registered with a school, nor educated otherwise	Child registered with school or appropriate alternative arrangement with attendance of at least 90%
	Child identified in the School Census as having social, emotional and/or mental health needs	Appropriate Special Educational Needs Support Plans for Education Health Care Plans
	Child about to leave school with few or no qualifications and no planned education, training or employment	Child leaves school and enters and maintains further education, training or employment
	Child/Young person who is not in education, training or employment	Child/Young person enters and maintains further education, training or employment
	Child who has failed to take up or disengaged from the free early learning entitlement	Appropriate take up of early education entitlement for eligible 2 year olds and all 3 & 4 year olds (this is not a statutory requirement)

Emotional and Behavioural Development	Child at risk of involvement in criminal or anti-social behaviour	No further incidences of criminal or anti-social behaviour
	Child who has committed a proven offence	No further offences
	Child displaying anti-social behaviour	No further anti-social behaviour
	Child who is a perpetrator of violence and/or abuse towards others (including parents and other family members)	No further incidences of violence or abuse
	Child persistently missing from home	No further missing episodes
	Child at risk of Child Sexual Exploitation	Child demonstrates appropriate peer relationships, resilience and is aware of risk and acts accordingly
	Child struggling with age appropriate social and emotional competencies such as interacting with others and control over own emotions	Child achieves all age appropriate social and emotional milestones
Identity	Child displays signs of low self-esteem	Child demonstrates a positive sense of self image and feels valued
	Child experiencing bullying or discrimination due to ethnicity, sexual orientation, religion or gender	Child demonstrates feelings of belonging and acceptance within family, peer group and wider community
Family and Social Relationships	Child has difficulty establishing and maintaining age appropriate friendships	Causes of difficulties are addressed and child able to form age appropriate friendships
Social Presentation	Child displays challenging behaviour at home and/or in public	Child demonstrates appropriate responses in feelings and actions and manages appropriately
Self-Care Abilities and Skills	Child struggles with age appropriate practical skills such as dressing and feeding	Child is achieving all age appropriate self-care milestones
	Young person is unable to demonstrate age appropriate independence: unkempt appearance, lack of personal hygiene, lack of budgeting skills, lack of personal healthcare	Young person is capable of self-management and has developed skills for independence

Parenting Capacity

Description	Indicator of Need / Risk Factor	Intended Outcome
Ability to Provide Basic Care	Parent/Carer prioritises their own needs over that of the child	Parent/Carer has capacity to recognise the needs of the child and prioritise those needs
	Child displays indicators of neglect: Child presents as hungry, child is not provided with an adequate lunch or dinner money, child presents as unkempt and/or child misses medical and dental appointments	Child is appropriately fed and provided with a nutritionally adequate diet, is clean and appropriately dressed, their health and social care needs are met
	Parent/Carer with physical health problems	Physical health problems resolved or effectively managed through appropriate care package and parent/carer enabled to parent effectively
	Parent/Carer with mental health problems	Mental health problems resolved or effectively managed through appropriate care package and parent/carer enabled to parent effectively
	Parent/Carer with a drug or alcohol problem	Substance misuse problems resolved or effectively managed through appropriate care package and parent/carer enabled to parent effectively
	Child is a young carer (helps look after someone in their family who is ill, disabled or misuses drugs or alcohol)	Child is enabled to fully participate in age appropriate education and activities and is provided with opportunities to take a break from their caring responsibilities
Ability to Ensure Child Safety	Parent/Carer experiencing or at risk of experiencing domestic abuse (controlling, coercive, threatening behaviour, violence or abuse within current or previous intimate relationships)	Parent/Carer no longer experiencing or at risk of domestic violence or abuse
	Parent/Carer who is a perpetrator of domestic abuse (controlling, coercive, threatening behaviour, violence or abuse within current or previous intimate relationships)	No further incidences of violence or abuse
	Family experiencing poor relationship quality	Family enabled to reduce conflict and arguments and present a more stable parenting stance
	Lack of child safety equipment in the home (fire guards, safety gates, window locks etc.) and child demonstrates a lack of risk awareness eg. road safety	Home is safe with all appropriate safety equipment installed and age appropriate risk mitigation is in place

Ability to Give and Demonstrate Emotional Warmth	Child demonstrates anxious attachments	Child presents as secure and parents/carers show warmth, praise and encouragement
Ability to Provide Appropriate Stimulation	Child does not have access to age appropriate toys and books	Child has access to appropriate toys and books
	Parent/Carer demonstrates little or no interaction	Parent/Carer is able to meet the developmental needs of the child acting on professional advice when necessary (GP, health visitor, school etc)
Ability to Provide Appropriate Guidance and Boundaries	Young person at risk of Child Sexual Exploitation: lack of parental oversight and knowledge of child's whereabouts	Parent/Carer demonstrates ability to discuss the impact of risk taking behaviours, build resilience and puts in place appropriate safeguards
	Child demonstrates poor behaviour	Parent/Carer demonstrates appropriate behaviour management strategies
Ability to Provide Stability and Security	Family experiencing a life changing event such as pregnancy, childbirth, bereavement, health diagnosis, new partner, divorce etc.)	All family members are equipped to build resilience, communicate and resolve differences to enable them to adapt to change
	Parent/Carer who has committed a proven offence	No further offences
	Parent/Carer displaying anti-social behaviour	No further anti-social behaviour
	Parent/Carer prisoner who is due for release	Successful reintegration into family home and community upon release and no further offences
	Parent/Carer on a community order or suspended sentence	Successful completion of order and no further offences

Family and Environmental Factors

Description	Indicator of Need / Risk Factor	Intended Outcome
The Community and Community Resources	Family are socially isolated	Family are enabled to access community resources
	Poor or non-existent local community resources	Family are integrated in their neighbourhood, have developed positive relationships and are able to maximise local amenities and access wider resources
	Family experiencing neighbourhood disputes or conflict	Family able to resolve disputes effectively
The Family's Social Integration in the Community	Family not registered with primary healthcare providers	Family members registered with GP and dentist
The Family's Income, Employment and Housing	Family has a household income significantly below the national average	Improved household income
	Family experiencing financial exclusion or at risk of financial exclusion	Decreased risk of financial exclusion or improved financial circumstances
	Family experiencing worklessness	Parent/carer/other significant adults into continuous employment
	Family's accommodation does not have basic amenities	Family enabled to improve accommodation or moved to more appropriate home
	Family's accommodation is not accessible to disabled family members	Accommodation is made accessible or family moved to more appropriate home
	Family's accommodation has poor levels of hygiene and cleanliness	Appropriate levels of hygiene and cleanliness are achieved and maintained
	Family's accommodation is in a state of disrepair	Accommodation made safe and to an acceptable standard or family moved to more appropriate home
The Extended Family Network	Family have little or no support from extended family	Family are enabled to build local relationships and friendships
The Family's History and how they Function as a Family	Parent/carer has been in care themselves and/or experienced poor or dysfunctional relationships with their own parents	Parent/Carer able to reflect on their own parenting and learn new skills & strategies as appropriate
	Individual linked to the family who may pose an additional risk	Parent/Carer demonstrates awareness of risk and act/supervise accordingly

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TITLE OF REPORT: Families Overview and Scrutiny Committee – Edge of Care Review

REPORT OF: Caroline O'Neill, Strategic Director, Care Wellbeing and Learning

Purpose of the Report

1. This report sets out the findings and recommendations of a review by Families Overview and Scrutiny Committee (OSC) in relation to young people and families with complex needs on the edge of care. The committee has considered the needs of these families with complex higher level needs and what actions will have the greatest impact on improving outcomes.
2. The recommendations aim to ensure that the Council works collaboratively with partners and the commissioning service to ensure that services support families with complex needs and address inequalities.

Background

3. The Council agreed that the OSC should carry out a review of children and families with complex needs on the edge of care. The scope and aims of the review were agreed by the committee at its meeting on 18 July 2017. The review focussed on:
 - The challenges facing services for adolescents on the edge of care and what might help to overcome these challenges.
 - The key ingredients to successful approaches to supporting young people and their families with complex needs on the edge of care.
 - The elements of service design that will support best practice with young people on the edge of care.
 - Strengthen service delivery to better meet the needs of local families with multiple needs at risk of becoming looked after in order to safely reducing the numbers of children coming into care.

Proposal

4. The report outlines the committee's findings following the review and sets out the following recommendations;
5. The service to implement the complex child in need team and the rapid response service development by January 2018.
6. The delivery of the rapid response service to strengthen links to finance and benefits support services.

7. The service will train staff in systemic approaches as a strengths based model of best practice model.
8. The committee acknowledged the importance of developing the housing options offer for care leavers and agreed to strengthen this offer during the next commissioning process.
9. The committee agreed that continuing to build joint service delivery with partners is important and needs to continue within the edge of care service development work.

Recommendations

10. It is recommended that Cabinet;
 - (i) Notes the findings and analysis of evidence outlined in appendix 2.
 - (ii) Agrees the recommendations from the Overview and Scrutiny Committee review as detailed in appendix 2.

For the following reasons:

- (i) To ensure the effectiveness of children and families services in Gateshead.
- (ii) To contribute to the further development and delivery of service to children and families with complex needs and work collaboratively with partners.
- (iii) To meet with one of the Council's key budget strategies of managing demand in this case by reducing the number of children looked after by Gateshead Council.

CONTACT: Elaine Devaney

extension: 2782

Policy Context

1. Local authorities are statutorily required to provide child in need assessments for children and families with complex needs and adhere to Working Together Guidance with partner agencies.

Background

2. By responding to family crises quickly and intensively and at times most suited to families, some children who might otherwise become accommodated via section 20 of the Children Act 1989 could be supported at home.
3. Equally, we know that the longer a child is looked after the less likely rehabilitation home becomes. So by responding promptly and working intensively with children and their families when children have become accommodated due to family dysfunction/breakdown, rehabilitation home is more likely to be achieved and sustained. Thus reducing the length of time that looked after care is required.
4. Children and Families social work service is developing a response to strengthen keeping young people in the community where it is safe and appropriate to do so.

Consultation

5. The process of the review has involved the presentation of evidence and research and an opportunity to involve partners within health, housing, education, commissioning, the referral and assessment team homeless service and mental health services.
6. The Cabinet Members for Children and Young People have been consulted.

Alternative Options

7. There are no alternative appropriate options with regard to the recommendations as they support the Councils responsibility to support young people and their families on the edge of care to improvement.

Implications of Recommended Option

8. **Resources:**
 - a) **Financial Implications** – The Strategic Director, Corporate Resources confirms there are no financial implications arising directly from this report.
 - b) **Human Resources Implications** - The Strategic Director, Corporate Services and Governance confirms that employees directly affected, and their representatives, have been fully consulted on the proposals.

- c) **Property Implications** here are no property implications arising directly from this report.
9. **Risk Management Implication** - There are no risk management implications arising directly from this report.
 10. **Equality and Diversity Implications**- There are no direct equality and diversity implications arising from this report.
 11. **Crime and Disorder Implications** – There are no direct crime and disorder implications arising directly from this report.
 12. **Health Implications** – There are no direct health implications
 13. **Sustainability Implications** - There are no direct sustainability implications arising directly as a result of this report.
 14. **Human Rights Implications** - There are no direct human rights implications arising directly as a result of this report.
 15. **Area and Ward Implications** - There are no direct area and ward implications arising directly as a result of this report.

Background Information

Families OSC:
18 July 2017
19 October 2017
30 November 2017

TITLE OF REPORT: Edge of Care Review Final Report

REPORT OF: Sheena Ramsey, Strategic Director Care, Wellbeing and Learning

EXECUTIVE SUMMARY

During the course of this review Children and Families Overview and Scrutiny Committee agreed to focus on support to young people and families with complex needs on the edge of care. The committee has considered the needs of these families with complex higher level needs and what actions will have the greatest impact on improving outcomes.

This report sets out the scope and outcome of the review.

LEGAL POLICY CONTEXT

Working Together statutory guidance – outlines the requirements of LA to have an LSCB, interagency child protection procedures, how to undertake safeguarding investigations. The guidance confirms the lead role for LA social workers in:

- Responding to young people and families in need of support and help
 - Undertaking initial and core assessments as part of the Assessment Framework
-

BACKGROUND

The council is committed to making changes to service delivery in order to meet the changing demands for adolescent young people on the edge of care.

The National picture of adolescent young people on the edge of the care indicates this age group makes up 45% of Children in Need, 23% of children on a child protection plan and 24% of Serious Case Reviews. A typical new case for a social worker is just as likely to be a teenager in need of help as a child aged under five.

Adolescents often enter care during a crisis with their family, with the police or with their mental or emotional health. The response to this crisis and finding them a safe place tends to drive the system's immediate response.

The reasons for entering care and the level and complexity of need are also far more diverse amongst this group. The national picture by the age 14years abuse or neglect accounts for just 42% of entries to care, with 45% accounted for by a mixture of acute family stress, family dysfunction and socially unacceptable behaviour. Alongside this, many face challenges with their mental and emotional health (64%), special educational needs (38%) and substance misuse (32%). Around 9% of those aged 14 or older enter care

through the youth justice system. One third of adolescents placed in foster care have been recently cautioned or committed an offence (36%).

Faced with this complexity, and the challenges in identifying long-term options, the care system is often caught between two competing priorities, firstly providing an immediate place of safety and secondly to develop a long-term plan based on individual needs.

The national picture for many adolescents is the most likely long-term placement is back with their family. One in four adolescent entrants to care almost 3,000 young people a year are looked after for less than eight weeks.

SCOPE OF THE REVIEW

The review considered:

- The challenges facing services for adolescents on the edge of care and what might help to overcome these challenges.
- What are the key ingredients to successful approaches to supporting young people and their families with complex needs on the edge of care.
- What are the elements of service design that will support best practice with young people on the edge of care.
- Strengthen service delivery to better meet the needs of local families with multiple needs at risk of becoming looked after.
- Safely reducing the numbers of children coming into care

THE PROCESS AND PARTNER INVOLVEMENT

The process of the review has involved the presentation of evidence and research and an opportunity to involve partners within health, housing, education, commissioning, the referral and assessment team homeless service and mental health services.

FOCUS OF THE REVIEW

The review focused on the 'Edge of Care' arrangements for adolescents aged 11yrs to 17 years.

The report described how young people come to be 'on the edge' of care and discussed the complex needs faced by these young people. It outlined the services available to support young people and their families and the challenges that the Council faces supporting this group.

EDGE OF CARE DEFINITION

The journey through the care system includes periods of time that are often described as being on the "edge of care".

For the purpose of the review "edge of care" covers the following situations:

- Before entering care the young person has been identified as being at risk of requiring care.

- When a young person is leaving care by going home or to live with a relative or into a range of accommodation.
- Young people 16 and 17 years presenting as homeless.
- Care leavers are particularly vulnerable as are their future children

CHARACTERISTICS OF YOUNG PEOPLE ON THE EDGE OF CARE

Young people on the edge of care are not a homogeneous group. Every young person is an individual whilst it is important not to over generalise from specific situations. There are many different patterns of need that can lead to a young person becoming looked after. These are young people often with longstanding issues that have escalated or become more problematic.

Young people between the ages of 11 year plus who have required care or edge of care services often have experienced one or more of the following characteristics:

- Violence from young person – either directed at parent(s) or sibling(s)
- Criminal or anti-social behaviour, gang activity or substance misuse
- Difficulty controlling emotions and anger management issues
- Mental illness, self-harming and suicide attempts
- Family dysfunction
- Young person homeless or abandoned, neglect or abuse
- Young people who go missing from home, demonstrate risk taking behaviours, are at risk of sexual exploitation and are not accepting of the risks they are taking
- School, exclusions, non-attendance

Parents capacity to cope with these issues can be limited due a number of factors identified below:

- Their own mental illness
- Substance misuse
- Poor parenting skills, difficulties in learning and sustaining safe parenting
- Experience of domestic violence and abuse
- Intergenerational domestic violence and abuse can impact and limit wider family or community support networks

Factors identified at Child In Need assessment 11 – 17 year olds

Between 1st September 2015 and 31st August 2016, mental health issues (which could apply to the young person or the parent) were identified in 36.3% of cases, but between 1st September 2016 and 31st August 2017, it was identified in 46.4% of cases. Alcohol misuse (from 21.7% to 27.1%) and drug misuse (17.3% to 23.8%) have also risen, but domestic violence has remained stable, occurring in roughly a third of all assessments.

Emotional abuse, physical abuse and sexual abuse have all also seen small increases, although cases of neglect being identified has remained stable. Although 'gangs' being identified as a factor remains low (3.5%), the actual number of cases identified has more than doubled (from 10 cases in 15/16 to 24 cases during 16/17).

A range of problems and factors may have an accumulative effect resulting in a crisis where the young person is at risk of coming into care which is often the picture of neglect.

Entering Care aged 11 – 17 year olds

There are 66 cases where 11-17 year olds entered care during September 16 to August 17. In 36 (55%) cases, the category of need was abuse or neglect, 28 (43%) cases involved categories relating to family breakdowns

THE CHALLENGE FOR SERVICES

By responding to family crises quickly and intensively and at times most suited to families, some children who might otherwise become accommodated via section 20 of the Children Act 1989, could be supported at home.

Equally, we know that the longer a child is looked after the less likely rehabilitation home becomes. So by responding promptly and working intensively with children and their families when children have become accommodated due to family dysfunction/breakdown, rehabilitation home is more likely to be achieved and sustained. Thus reducing the length of time that looked after care is required.

Children and Families social work service is developing a response to strengthen keeping young people in the community where it is safe and appropriate to do so.

The safeguarding and care planning service is redesigning how services support complex child in need young people. The service is reconfiguring resources into a complex child in need team.

In addition we are developing a rapid response service to help manage some intensive intervention and have the capacity to undertake this work out of usual hours where appropriate this service will go live in January.

The rapid response team will respond immediately to cases where there is a strong likelihood that the child will become accommodated because of a breakdown in their family situation or where there is a risk of significant harm to a child which might otherwise require the child to become Looked After. This might include for example, a family crisis that impacts on parental resilience, parental and/or child interactions and behaviours which seriously weaken the family's ability to function and/or child protection concerns that might be safely mitigated by the provision of intensive interventions.

The team will work with families for a maximum of 12 weeks. A single keyworker system will operate with the ability to mobilise other team members where needed. Occasionally a full team response may be required. Keyworkers will hold a maximum of 12 families at any one time. The youngest child will normally be 11 years old or above. Case responsibility will remain with the Social Worker from the complex child in need team.

The rapid response team will have a mixed multi -disciplinary skill set and be specifically trained in strength based methodologies- namely motivational interviewing and Systemic practice- as well as specific training in assessing and managing risk in crisis driven circumstances. Within its resources there will be a systemic practice worker, Social Workers, Family Group conference/mediation workers, school liaison worker, Youth Worker The team will have a Manager/Coordinator who will also manage the complex child in need team.

In addition the rapid response service will have recourse to dedicated professional foster care placements.

A key feature of the rapid response service will be the flexibility of its availability to families. Family crisis tends to become acute at the times when normal Council functions are unavailable. To mitigate this and to ensure availability when families need support the most the team will overlap with day time services and be available on a shift basis which will include weekend and evening work.

The skill set of the staff will cover intensive family intervention, family group conference and staff experienced in mental health substance misuse and domestic violence issues.

The Intervention

The rapid response service will be trained in multi-systemic practice this will be the main model adopted as part of a tool kit for staff involved in family intervention for complex needs young people and this will be rolled out over all social work teams.

Multi-systemic intervention is an evidence based programme that delivers family intervention in the home through qualified staff from a range of disciplines. By improving parenting and rebuilding positive family relationships it allows families to manage future crisis situations, delivering long term and sustained impact. It works with young people aged 11-17 who are at risk of entering care or custody and their families who have not engaged or maintained engagement with other services.

Greater emphasis is placed on outcomes measurement and performance management to drive continual improvement. Rather than just taking a snapshot of the outcomes for the young person immediately after the conclusion of the intervention, progress of the child would be tracked to look for sustained improvement.

STABLE ACCOMMODATION

It is important to ensure care leavers are fully supported in a range of accommodation. Services are developing services and have been successful in developing taster flat for young people as well as a range of supported accommodation. We know this is instrumental in stabilising care leavers and preventing a cycle of returns to care and is a building block to stability for their future family.

The accommodation offer to care leavers has been strengthened supporting their stability in the community. The service has worked collaboratively with the housing service developing the taster flat scheme. Careful consideration is given to the level of support and location of accommodation a care leaver needs. Every effort is made to locate care leavers to support their social networks and promote access to training, employment and education. Care leavers have told us avoiding social isolation and feeling safe, are issues very important to them. The taster flat scheme acts to promote stability and integration for care leavers within the community.

The service has worked collaboratively with the commissioning service to develop the range of choice of supported accommodation for care leavers with complex needs. We are in the process of preparing to tender for a range of provision to strengthen the supported accommodation offer to care leavers.

Young people in shared supported housing for 16 – 21 year olds:

Supported Housing Scheme	16 - 21	Total Beds
Tyne Housing	1	10
Eslington House	13*	20
Gifford House	0	11
Refuge	2	7
Juniper House	2	8
St Bede's House	2	16
Mental Health Concern	0	7
Richmond Terrace	0	6
Elizabeth House	4	8
Karis Project	2	6
Naomi Project	7	8
Whitworth Close	0	6
Longside House	0	3
	33	116

* 5 of the 13 are either 16 or 17 years old.

HOMLESSNESS

Our duties and responsibilities across children and housing legislation make it clear that supporting care leavers and reducing the risk of homelessness is a priority.

Managing edge of care pressures also involves supporting 16 and 17 year old young people presenting as homeless. There is a duty to ensure this group is supported and where appropriate provide accommodation.

Care wellbeing and learning have worked collaboratively with housing services to develop a dedicated post to work intensively and in a timely manner with any young people presenting as homeless. This has been a very effective way of supporting young people ensuring they are not homeless.

OUTCOME OF THE REVIEW

- The review demonstrated the challenges facing services for adolescents on the edge of care and the approaches to supporting young people and their families with complex needs.
- The report outlined the changes being made to the design and best practice delivery of services for young people with complex needs on the edge of care.
- The committee recognised the importance of partnership working regarding mental health substance misuse and neglect issues and the significance of commissioning housing options for young people and care leavers.
- It was recognised how important responsive service delivery is to meet the needs of these families through stable housing, prevention of homeless and providing housing options.

- The committee reflected the importance of supporting families to manage financial issues which the service has incorporated into the overall service design.
- There was acknowledgement from the committee that responsive systemic best practice with families on the edge of care gave the best opportunities to safely reduce the numbers of children and young people entering care.

RECOMMENDATIONS

The Committee is asked to consider and comment upon the contents of this report.

1. The service to implement the complex child in need team and the rapid response service development by January 2018.
2. The delivery of the rapid response service to strengthen links to financial and benefits support services.
3. The service will train staff in systemic approaches as a strengths based model best practice model.
4. The committee acknowledged the importance of developing the housing options offer for care leavers and agreed that strengthening this offer during the next commissioning process.
5. The committee agreed that continuing to build joint service delivery with partners is important and needs to continue within the edge of care service development work.

CONTACT: Elaine Devaney
Service Director
Children and Families
Care wellbeing and learning



REPORT TO CABINET
19 December 2017

TITLE OF REPORT: Strategic Resilience and Emergency Planning Framework

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

Purpose of the Report

1. The purpose of this report is to seek Cabinet's endorsement of the reviewed Strategic Resilience and Emergency Planning Framework.

Background

2. Over the past six months there have been a number of incidents that have changed the national landscape of the Resilience and Emergency Planning portfolio. Acts of mindless terrorism in both London and Manchester have dominated a very changeable and dynamic background that is now very much in the spotlight and recognised as a key national priority. Following the tragic Grenfell Tower fire incident in June 2017, there will be much to review and reflect on especially when the Public Enquiry is concluded.
3. As a result it is an appropriate time to review the Strategic Resilience and Emergency Planning Framework. The key focus for Resilience and Emergency Planning over the last six months has been to review priorities and actions within the Strategic Resilience and Emergency Planning Framework; continue to review planning, response and recovery arrangements whilst intensively training and exercising; continue to work in collaboration with our local and regional partners and communities to respond to incidents and issues.
4. Cabinet originally approved the Resilience Strategy in 2010, with subsequent reviews undertaken in June 2013 and March 2015. Progress has been monitored on a six monthly basis by the Corporate Resources Overview and Scrutiny Committee throughout this period.
5. The purpose of the Framework is to determine the future focus for the Council working in collaboration with partners and the community. This will ensure that we continue to have robust arrangements in place to mitigate, prepare for, respond to and recover from emergencies and major incident situations.
6. The current framework has been updated and includes further information on the Statutory Legislative Requirements and the National Context; the Northumbria Local Resilience Forum; Gateshead Council Emergency Response Arrangements; Training and Exercising; Council Liability; Emergency Response to incidents and pre-planned operations; Local Governance

Arrangements; a Strategic Vision for Resilience and Emergency Planning; Service Key Objectives; the Priorities and Quality Assurance.

7. The framework will be reviewed on an annual basis or as required, taking into account any new and emerging national and local issues. The three main areas of work have identified as:
 - Building resilient and stronger communities
 - Assessing risk
 - Enhancing our partnership arrangements to respond and recover
8. This framework is supported by Service Key Objectives which are part of Gateshead Council's Business Planning process and sets out the specific measures, targets, responsibility and activity necessary to deliver the priorities identified in the framework.
9. The proposed reviewed framework is attached as appendix 2.

Proposal

10. It is proposed that Cabinet endorses the Strategic Resilience and Emergency Planning Framework.

Recommendations

11. Cabinet is asked to endorse the Strategic Resilience and Emergency Planning Framework as set out in appendix 2 to the report.

For the following reasons:

- (i) To ensure compliance with our statutory duties under the Civil Contingencies Act 2004
- (ii) To ensure that the Council has robust arrangements in place to mitigate, prepare for, respond to and recover from major incidents and emergency situations.

CONTACT: David Patterson extension: 2807

Policy Context

1. The reviewed framework is in line with Vision 2030. This is in particular to the 'City of Gateshead' outcome relating to ensuring that Gateshead remains a safe place to live and visit; 'Gateshead Volunteers' outcome encourage more of us to volunteer and contribute to our communities and; 'Sustainable Gateshead' improve how we live, travel and use resources.
2. The framework is in line with the Council Plan 2015-2020 and supports the delivery of all policy objectives within this.

Background

3. Resilience is the ability to anticipate risk, limit impact and recover quickly and effectively from emergencies and disruptive events affecting organisations, businesses, individuals, families, neighbourhoods and communities.
4. The national context for Resilience and Emergency Planning has remained quite static over the last 12 months. The Civil Contingencies Act 2004 places a statutory duty on local authorities and other agencies to work together to develop emergency and business continuity plans and arrangements to mitigate, prepare for, respond to and recover from emergencies.
5. All local authorities are classed as 'Category 1' Responders in the event of an emergency/major incident under the Civil Contingencies Act (2004). The Act requires all Category 1 Responders to undertake these wide ranging statutory duties to help to protect the population within their boundaries. The aim of the framework is to support Gateshead Council to meet the duties as identified in the Civic Contingencies Act. These duties include:
 - assess the risk of emergencies occurring and use this to inform contingency planning
 - put in place emergency plans
 - put in place business continuity management arrangements – this is undertaken by the Council's Internal Audit and Risk Team in Corporate Resources
 - put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency
 - share information with other local responders to enhance co-ordination
 - co-operate with other local responders to enhance co-ordination and efficiency
 - provide advice and assistance to businesses and voluntary organisations about business continuity management (local authorities only)
6. As a result of a very changing landscape and various ongoing changes at a national, regional and local level, it is an appropriate time to review the

Framework which fits the needs of the Council, partners, residents and businesses in Gateshead.

7. Whilst there are effective plans and arrangements already in place to mitigate, prepare for, respond to and recover from emergencies, the purpose of the framework is to determine the future focus of resilience planning for Gateshead Council. This will be achieved by working in collaboration with partners and the community to ensure that we continue to have robust arrangements in place.
8. To continue to achieve this at a local level the following themes and priorities have been reviewed and specific future actions updated which include:

Building resilient and stronger communities – engaging with businesses, the voluntary sector, partner agencies, communities and individuals to ensure they are better prepared for and able to recover from emergencies. Future actions include:

- Work with partner agencies and local communities to promote community resilience including the pilot of Community Resilience Plans
- Further develop our arrangements for sharing and mapping information about vulnerable people, the use of the Cabinet Office Resilience Direct system, the prioritisation of assistance and identification of support that needs to be provided during and after an incident
- Develop an approach to explore and utilise spontaneous volunteering in an emergency or incident situation
- Continued recruitment and engagement of Community Resilience Wardens across the borough
- Work in partnership with event organisers to promote a consistent approach to ensure compliance with both resilience and the Government's Crowded Places Guidance

Assessing Risk – identifying new hazards and threats that may affect Gateshead implementing measures that may prevent an emergency or incident occurring. Future actions include:

- Continue to identify risks and hazards throughout Gateshead and ensure that any new risks and hazards are mapped, mitigated and communicated
- Review and adapt the criteria used to assess critical services within internal business continuity planning in conjunction with the Audit and Risk Team in Corporate Resources
- Undertake work to understand the implications of an increase in the counter terrorism threat level
- Continue to protect the health of the public in relation to preventing threats arising and the assurance of appropriate responses when things go wrong

Enhancing our partnership arrangements to respond and recover – the effective response and co-ordination of arrangements in the event of an

emergency or incident occurring and achieving a rapid return to normality.
Future actions include:

- Continue to collaborate with council services and multi-agency partner organisations to ensure that any emerging themes and issues can be planned for and responded to
 - Develop and undertake an awareness raising programmes in relation to the response provided to modern slavery, trafficking and exploitation issues, and counter terrorism issues
 - Review our humanitarian assistance arrangements and continue to develop relationships with voluntary organisations and community facilities, utilising the Government's Human Aspects Guidance
 - Continue to develop the use of the Cabinet Office Resilience Direct System as a multi-agency response tool
 - Further develop a coordinated approach to the recovery process following an emergency or incident
9. The framework is supported by service key objectives which are part of Gateshead Council's Business Planning process and sets out the specific measures, targets, responsibility and activity necessary to deliver the priorities identified in the framework.

Consultation

10. Following lessons learned from recent exercising and incidents, the reviewed framework has been reviewed and updated by the Emergency Planning and Resilience Team in consultation with various council groups and services and multi-agency partner organisations.
11. The framework has been submitted to Corporate Resources Overview and Scrutiny Committee for consultation in September 2017. Multi-agency partner organisations within the Gateshead Multi-Agency Resilience and Emergency Planning Group (November 2017), Leader's Portfolio (November 2017) and the Communities and Volunteering and Culture, Sport and Leisure Portfolio (November 2007) have also been formally consulted on the contents of the framework.

Implications of Recommended Options

12. Resources:

a) Financial Implications – The Strategic Director, Corporate Resources confirms that there are no financial implications arising directly from this report.

b) Human Resources Implications – There are no human resources implications from the recommended options.

c) Property Implications - There are no property implications arising directly from the recommended options

18. **Risk Management Implications** - The effective implementation of this framework will mitigate the risk to the achievement of the Council's objectives and legal obligations in the event of an emergency. Failure to implement this strategy effectively could lead not only to a failure to meet statutory responsibilities and Council objectives but could result in deaths, damage to local infrastructure and economy, and potential damage to the Council's reputation.
19. **Equality and Diversity Implications** - There are no equality and diversity implications directly arising from this report.
20. **Crime and Disorder Implications** – There are no crime and disorder implications from the recommended options.
21. **Health Implications** - This framework will ensure that everyone in Gateshead will have access to the necessary information to remain safe and healthy before, during and after an emergency.
22. **Sustainability Implications** - There are no sustainability implications from the recommended options
23. **Human Rights Implications** - The framework is compliant with article 8 the Human Rights Act.
24. **Area and Ward Implications** - This report affects all wards.
25. **Background Information**
 - Civil Contingencies Act (2004)
 - Vision 2030
 - Council Plan 2015-2020

Strategic Resilience and Emergency Planning Framework

REVIEWED SEPTEMBER 2017

1 Introduction

The purpose of the Strategic Resilience and Emergency Planning Framework is to determine the future focus for Gateshead Council working in collaboration with partners and the community. This will ensure that we continue to have robust arrangements in place to mitigate, prepare for, respond to and recover from emergencies.

Cabinet originally approved the Resilience Strategy in 2010, with reviews undertaken in June 2013 and March 2015. Progress has been monitored on a six monthly basis by the Corporate Resources Overview and Scrutiny Committee throughout this period.

The framework contains background information; statutory legislative requirements and the national context; the Northumbria Local Resilience Forum; Gateshead Council Emergency Response Arrangements; Training and Exercising; Council Liability; Emergency Response to incidents and pre-planned operations; Local Governance Arrangements; Emerging Issues; Strategic Vision for Resilience and Emergency Planning; Future Focus; Service Key Objectives; Priorities and; Quality Assurance.

For further information on the contents - please contact: David Patterson, Resilience and Emergency Planning Manager on 0191 433 2807.

2 Background

Resilience is the ability to anticipate risk, limit impact, respond and recover quickly and effectively from emergencies and disruptive events that affect organisations, businesses, individuals, families, neighbourhoods and communities.

Emergency planning should aim where possible to prevent emergencies occurring, but when they do occur, good planning should reduce, control or mitigate the effects of the emergency. It is a systematic and ongoing process which should evolve as lessons are learnt and circumstances change.

Resilience is the joint responsibility of all officers within Gateshead Council. The emphasis of this framework is to continue the sustained development of a network of competent officers who will respond to emergencies and carry on embedding resilience into all aspects of service delivery.

3 Statutory Legislative Requirements and National Context

All local authorities are classed as 'Category 1' Responders in the event of an emergency/major incident under the Civil Contingencies Act (2004). The Act requires all Category 1 Responders to undertake these wide ranging statutory duties to help to protect the population within their boundaries. The duties include:

- assess the risk of emergencies occurring and use this to inform contingency planning
- put in place emergency plans
- put in place business continuity management arrangements - this is undertaken by the Council's Internal Audit and Risk Team in Corporate Resources
- put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency
- share information with other local responders to enhance co-ordination
- co-operate with other local responders to enhance co-ordination and efficiency
- provide advice and assistance to businesses and voluntary organisations about business continuity management (local authorities only)

Within Gateshead we continue to meet the requirements of the Civil Contingencies Act 2004 (CCA) but also a host of other government policy, legislation and associated guidance. This includes:

- **Emergency Preparedness** - this is statutory guidance accompanying the Civil Contingencies Act 2004
- **Emergency Response and Recovery Guidance** - this is non-statutory guidance which describes the multi-agency framework for responding to and recovering from civil emergencies but also aims to establish good practice based on lessons identified from responding to and recovering from emergencies
- **National Recovery Guidance** - this primarily aimed at local responders and developed in line with the Civil Contingencies Act (CCA) on recovering from an emergency in the UK
- **National Resilience Capabilities Programme (NRCP)** (February 2013) - the NRCP aims to increase the capability of the United Kingdom to respond to and recover from civil emergencies. It does this by building capability to deal with the consequences that are common to most types of emergency, regardless of whether those emergencies are caused by accidents, natural hazards or man-made threats.
- **National Risk Register and National Risk Assessment** (March 2016) - this is the government's assessment of the likelihood and potential impact of a range of different civil emergency risks (including naturally and accidentally occurring hazards and malicious threats) that may directly affect the UK. It also provides information on how the UK and emergency services prepare for these emergencies and understands what capability is needed.
- **CONTEST** (July 2011) - the United Kingdom's Strategy for Countering Terrorism. There are four main work streams with Resilience and Emergency Planning leading on Protect - to strengthen our protection against a terrorist attack; and Prepare - to mitigate the impact of a terrorist attack.
- **JESIP (Joint Emergency Services Interoperability Programme)** (July 2016) - has been established to address the recommendations and findings from a number of major incident reports. JESIP complements Emergency Response and Recovery by focussing on the interoperability of the emergency services and other responder agencies in the response to an incident and incorporates the Joint Decision Model [JDM] which is common to all those involved in emergency response.
- **Strategic National Framework on Community Resilience** (October 2016) - this framework explores the role and resilience of individuals and communities before, during and after an emergency.
- **Human Aspects Guidance** (October 2016) - This guidance provides information and advice and support for stakeholders involved in planning and co-ordinating frontline activities to address Humanitarian Assistance in response and recovery following an emergency.

This national context will continue to form our themes, priorities and objectives at a local level.

4 Northumbria Local Resilience Forum

Local Resilience Forums [LRF] are bodies which were developed under the Civil Contingencies Act 2004, to co-ordinate the actions and arrangements between Responding Bodies in the area to provide the most effective and efficient response to Civil Emergencies when they occur. The LRF may assist during an emergency, but has the responsibility to plan for emergencies to ensure preparedness from responders when an incident occurs. The Northumbria LRF consists of organisations and agencies involved with emergency response to enable the co-ordination of the most effective and efficient response in our communities across the Northumberland and Tyne and Wear area including Gateshead Council.

As of July 2017, Gateshead Council currently chairs and leads the Northumbria LRF Training and Exercising and Communities Groups, whilst also being Vice Chair of the LRF Tactical Business Management Group.

5 Gateshead Council Emergency Response Arrangements

The Emergency Response Process is Gateshead Council's arrangements for responding to emergency situations or a major incident. The process was endorsed by Cabinet in April 2014 and is activated in support of the Emergency Services and/or when the required response is beyond normal operational capacity. This enables the Council to adapt its response to a wide range of possible scenarios. Gateshead Council manages emergencies and incidents on a three tier approach:

- **Strategic** (Gold) - Chief Executive and Strategy Group supported by the Incident Control Team
- **Tactical** (Silver) - Incident Controllers lead the Tactical response linking in with Chief Executive and Strategy Group supported by HQ Co-Ordinators, HQ Support Officers and geographical based Site Incident Officers
- **Operational** (Bronze) - the Virtual Support Team (Council Services)

Gateshead Council has an Emergency Response Team [ERT] consisting of council officers from a range of different services who perform specialist roles during an emergency situation or major incident. The team consists of volunteers (at July 2017 circa 50+) prepared to respond when the need arises with the support of other Council services/officers feeding into this process when required. Care Call are the first point of contact - 24 hours a day, 7 days a week and collate and assess the key information received before contacting a member of the team who will make the decision to escalate arrangements if not already requested by the Emergency Services. Supporting the process are a suite of actions cards, protocols and flowcharts, key contacts, a SharePoint site and the Major Incident Room located within the Civic Centre.

The Incident Control Team [ICT] is responsible for the implementation of the Emergency Response Arrangements. The Incident Controller [IC] (Service Director and above) will lead the Council's tactical response during an emergency or major incident working with the ERT and is responsible for the overall decision making during the emergency or incident which may be in support of the emergency services. This ensures there is a clear link with Strategy Group, elected Members when issues require escalation for a strategic direction which may impact on the Council's reputation or affect the ability to continue to provide critical services. Partner organisations will also be contacted and informed. All decisions made maybe subject to scrutiny by a public enquiry post incident.

Gateshead Council use Resilience Direct which is a Cabinet Office secure web-based platform for the resilience community to share information amongst all emergency responders and agencies for planning, response and recovery. A mapping facility allows responders to produce and share real time maps showing cordon areas, locations of reception centres and addresses affected. The system provides a secure information-sharing platform.

6 Training and Exercising

Gateshead Council's Emergency Response Arrangements are regularly tested via real incidents and a series of exercises. Each incident or exercise is followed by a debrief process to identify areas of good practice and any lessons learned. This robust process, combined with adherence to national guidance and learning identified from others, results in a constant review process and subsequent strengthening of our response plans. The programme of extensive training, mentoring and exercising takes place to ensure the experience, knowledge and expertise of current team members is shared with all volunteers to ensure that processes, protocols and procedures are operational.

7 Council Liability

As with all organisations the Council faces exposure to a number of external and internal events that could impact on the availability of the resources needed to perform its critical functions. In addition, there could be events that affect the wider community which the Council has a duty to support.

The failure to provide a response during a Major incident or business interruption affecting availability of the Council's resources and impacting on ability to deliver critical services or an impact on a community is recognised as a key risk to the Council, and included on the Strategic Risk Register.

Any emergency or major incident, whether an accident, natural hazard or act of terrorism; could potentially affect the safety, health, welfare, security and prosperity of the people of Gateshead.

8 Emergency Response to incidents and operations

Over the last twelve months the Emergency Response Team has responded to a number of incidents and issues. As at July 2017, we have worked with our partners and communities in relation to:

- **Power Outage** [31 July 2017] - a power cut that affected 4 multi-storey blocks within the central area of Gateshead for a sustained period of time
- **Operation Kestrel** [24 July 2017] - a pre-planned Northumbria Police operation to target foreign nationals criminals operating within the Gateshead area which looked at potential victims of modern slavery, trafficking and exploitation
- **Barry Street Incident** [15 July 2017] - a suspect package was found within the street and an evacuation of the immediate area was undertaken.
- **Grassbanks Incident** [13 July 2017] - a suspect package was found within the rear of a garden shed and a cordon of the immediate area
- **Avenue Road, Bensham Incident** [4 July 2017] - a domestic incident involving a residential property and a cordon of the immediate area
- **Bensham Court Tower Block** [2 July 2017] - a communications issue that affected all community alarms and contact with Care Call for vulnerable tenants which was not operational for a period of time
- **Operation Bridler** [19 June 2017] - a pre-planned National Crime Agency led operation involving victims and offenders of modern slavery, trafficking and exploitation
- **Jeremy Corbyn visit** [5 June 2017] - a pre-planned visit by the Labour Party Leader in Performance Square on the Gateshead Quays
- **Severe Weather Issues** [21st to 22nd November 2016]
- **Operation Border** [18 October 2016] - a pre-planned police led operation involving victims and offenders of modern slavery, trafficking and exploitation
- **Operation Jessop** [4th October 2016] - a pre-planned police led operation involving chemical substances found in a property
- **A Sink Hole on the A1** [26th to 29th June 2016]

9 Local Governance Arrangements

Within Gateshead we have well established and robust arrangements in place along with strong relationships with multi-agency partner organisations which have enabled us to respond effectively to emergencies. This includes:

The Gateshead Multi-Agency Resilience and Emergency Planning Group is a statutory partnership and include representatives from Gateshead Council, Northumbria Police, North East Ambulance Service, Tyne and Wear Fire and Rescue Service, the Environment Agency and Health partners. This group ensures that all organisations are brought together to discuss emergency preparedness, response and resilience issues, and that Gateshead is adequately prepared to respond to disruptive challenges.

The Resilience and Emergency Planning agenda sits within the Leader's Portfolio of the Council and the Corporate Resources Overview and Scrutiny Committee. Six month updates are presented to the Overview and Scrutiny Committee on progress and issues, with ad hoc reports presented to the Leader's Portfolio and other relevant portfolios as and when required.

10 Emerging Issues

As of July 2017, the following emerging issues have increased the demand on the Resilience and Emergency Planning function:

- Increased coordination of emergency responses to incidents and issues
- Co-ordination of pre-planned operations led by the emergency services on broad range of subjects
- Coordination of responses to modern slavery, trafficking and exploitation issues
- Increased scrutiny of event plans to ensure compliance with both resilience and crowded places guidance
- Increased tension and apprehension around the terrorism agenda and events
- Ongoing work to understand the implications of an increase in the terrorism threat level

11 Strategic Vision for Resilience and Emergency Planning

The strategic vision for Resilience and Emergency Planning is ‘to ensure that Gateshead is a safe and resilient place to live, work and visit’.

12 Future Focus

Within Gateshead we need to continue the work undertaken to be ready and able to deal with potential emergencies and disruptive events. This ranges from natural disasters like flooding or heavy snow to deliberate acts such as terrorism attacks, major fires or issues with modern slavery. Crises can happen suddenly or develop gradually.

The future focus for Resilience and Emergency Planning will be to continue to work in collaboration with partners and our communities to ensure that we have the robust arrangements in place to anticipate, assess, prevent, prepare, respond and recover from emergencies ensuring a resilient Gateshead.

This approach establishes the vision, which will help us to continue to develop and deliver these arrangements within our own organisation; with partner organisations; businesses; and within our communities. It has been developed to ensure that Gateshead is continuing to work within a structure that is compliant with our statutory requirements of the Civil Contingencies Act 2004, and it’s associated legislation and guidance.

The focus has been on a transformational approach of mainstreaming resilience and emergency planning into the core business of Gateshead Council to ensure a more efficient and effective way of working. This has resulted in the constant review of our plans, preparations with continued training, exercising and awareness-raising not only with our own employees and chief officers within Gateshead Council, but our multi-agency partner organisations.

13 Service Key Objectives

As part of Gateshead Council’s Business Planning process, overarching service key objectives have been developed to ensure there is compliance with the Civil Contingencies Act (2004) and help achieve the strategic vision:

Table 1 - Resilience and Emergency Planning Service Key Objectives

Service Key Objectives				
Objective	Measure	Target	Responsibility	Activity
Reviewing and developing strategies/plans and to co-ordinate policy in relation to Resilience, Emergency Planning and Response	Effective and efficient Emergency Response Plans developed based on a risk analysis approach on emergencies and situations that could happen within Gateshead Assurance that there are robust arrangements to mitigate, to prepare, respond to and recover from emergencies.	Ongoing	Resilience and Emergency Planning Manager Resilience and Emergency Planning Officer	Implement identified gaps from the National Risk Planning Assumptions and Community Risk Register to ensure strategies, plans and policy is developed
Working with a range of partner agencies to promote the Resilience, Emergency Planning and Response working with public, private, Multi-Agency and voluntary sector organisations.	By continuing to work in collaboration with our partners and communities to continue to ensure that we have robust arrangements in place to mitigate, prepare for, respond to and recover from emergencies.	Ongoing	Service Director - Commissioning and Business Development Resilience and Emergency Planning Manager Resilience and Emergency Planning Officer	Continue to co-ordinate in the Multi-Agency Resilience and Emergency Planning Group Engagement and lead of Themed Areas within the Northumbria Local Resilience Forum [LRF] Vice Chair Role in the Tactical Business Management Group - LRF
Advise elected members, senior officers and partner organisations on emergency preparedness legislative changes to ensure that they are aware of policy implications	Elected members, senior officers and partner organisations are fully briefed and aware of the current emergency preparedness position	Ongoing	Resilience and Emergency Planning Manager	Attend Strategy Group, Leadership Team, Portfolio Meetings, Corporate Resources OSC and the Multi-Agency Resilience and Emergency Planning Group to present updates

Service Key Objectives

Objective	Measure	Target	Responsibility	Activity
Promote community resilience via the establishment of networks and engagement programmes	Resilient communities who are able to assist themselves in an emergency or major incident	Ongoing	Resilience and Emergency Planning Manager Resilience and Emergency Planning Officer	Assess risks within areas and develop Community Resilience Plans working directly with affected communities
Contribution to the creation, planning, delivery and evaluation of bespoke emergency planning training and exercising packages to multi-disciplinary staff	Competent and trained employees within all directorates and services Competent and trained Emergency Response Team volunteers	Ongoing	Resilience and Emergency Planning Manager Resilience and Emergency Planning Officer	Undertake a training needs analysis then implement a number of be-spoke training sessions to raise awareness and up-skill employees
Promote Business Continuity guidance to local business and the voluntary sector	Businesses are able to recognise risks within their organisations develop plans and mitigate any risks or threats during an emergency or major disruption to their organisation	Ongoing	Resilience and Emergency Planning Officer	Attendance at the Business Breakfast Forums and engagement with local Business Forums
Promote Business Continuity guidance to local business and the voluntary sector	Businesses are able to recognise risks within their organisations develop plans and mitigate any risks or threats during an emergency or major disruption to their organisation	Ongoing	Resilience and Emergency Planning Officer	Attendance at the Business Breakfast Forums and engagement with local Business Forums
Incorporate examples of good practice and lessons learned from local, regional and national emergency planning/response incidents, training events and exercises	Implement any examples of good practice and lessons learned into current Emergency Response plans, protocols and arrangements	Ongoing	Resilience and Emergency Planning Manager Resilience and Emergency Planning Officer	Undertake debrief sessions following local, regional and national emergency planning/ response incidents, training events and exercises
Provision of practice guidance, supervision and mentoring to staff involved in the emergency planning/ response approach	Competent and trained volunteers Feedback from Emergency Response Team	Ongoing	Resilience and Emergency Planning Manager Resilience and Emergency Planning Officer	Ensure volunteers involved in the ERT are continuously supported and mentored in exercise and incidents, and receive the necessary training

14 Priorities

To continue to achieve the service key objectives at a local level the following themes and priorities have been reviewed and specific future actions updated:

Building resilient and stronger communities - engaging with businesses, the voluntary sector, partner agencies, communities and individuals to ensure they are better prepared for and able to recover from emergencies. Future actions include:

- Work with partner agencies and local communities to promote community resilience including the pilot of Community Resilience Plans
- Further develop our arrangements for sharing and mapping information about vulnerable people, the use of the Cabinet Office Resilience Direct system, the prioritisation of assistance and identification of support that needs to be provided during and after an incident
- Develop an approach to explore and utilise spontaneous volunteering in an emergency or incident situation
- Continued recruitment and engagement of Community Resilience Wardens across the borough
- Work in partnership with event organisers to promote a consistent approach to ensure compliance with both resilience and the Government's Crowded Places Guidance

Assessing Risk - identifying new hazards and threats that may affect Gateshead implementing measures that may prevent an emergency or incident occurring. Future actions include:

- Continue to identify risks and hazards throughout Gateshead and ensure that any new risks and hazards are mapped, mitigated and communicated
- Review and adapt the criteria used to assess critical services within internal business continuity planning in conjunction with the Audit and Risk Team in Corporate Resources
- Undertake work to understand the implications of an increase in the counter terrorism threat level
- Continue to protect the health of the public in relation to preventing threats arising and the assurance of appropriate responses when things go wrong

Enhancing our partnership arrangements to respond and recover - the effective response and co-ordination of arrangements in the event of an emergency or incident occurring and achieving a rapid return to normality. Future actions include:

- Continue to collaborate with council services and multi-agency partner agencies to ensure that any emerging themes and issues can be planned for and responded to
- Develop and undertake an awareness raising programmes in relation to the response provided to modern slavery, trafficking and exploitation issues, and counter terrorism issues
- Review our humanitarian assistance arrangements and continue to develop relationships with voluntary organisations and community facilities, utilising the Government's Human Aspects Guidance
- Continue to develop the use of the Cabinet Office Resilience Direct System as a multi-agency response tool
- Further develop a coordinated approach to the recovery process following an emergency or incident

15 Quality Assurance

The strategic framework and priorities will be reviewed on an annual basis with a regular six month progress update to the Corporate Resources Overview and Scrutiny Committee. Portfolio Holders with ad hoc reports presented to the Leader's Portfolio and other relevant portfolios as and when required. The performance of the framework will be monitored by the Gateshead Multi-Agency Resilience and Emergency Planning Group, in conjunction with the key priorities and objectives of the LRF Business Plan 2017-2020.

A future peer challenge is to be explored to be able to benchmark with other similar responders.

1421/PS/2017
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September 2017

TITLE OF REPORT: **Provision of an In House On-Street Environmental Enforcement Service**

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

Purpose of the Report

1. The report seeks approval to establish an in house on street environmental enforcement service. It is envisaged that delivery of this service will encompass provision of a team of on-street Environmental Enforcement Officers, complementary back office staff and associated IT support. The state of the environment has been identified as a major concern in recent public surveys and it is considered that an in house team with on street patrols would act as a deterrent as well as directly addressing current environmental concerns.

Background

2. Proposals for an on – street environmental enforcement service were the subject of a report to Cabinet on 18 July 2017. Four potential options were outlined therein. The report asked Cabinet to consider the introduction of a team of on street Environmental Enforcement Officers (EEO's) to patrol the Borough and where necessary issue Fixed Penalty Notices (FPN's) for environmental crime incidents including littering and dog fouling.
3. Following consideration Cabinet resolved to explore/ develop an in house model for an on – street environmental enforcement service, including the recruitment of additional staff. Cabinet requested that a further report be submitted with a recommendation proposal. (Minute C44) Alternative options which were discounted included development of a pilot using a contractor , carrying out the work using existing, already over extended resources of the Enforcement team and appointing a neighbouring authority to undertake the work on the Council's behalf.

Proposal

4. A proposal has been developed in accordance with the requirements of the approved minute. This proposal sets out a model structure and identifies the implications of recruiting additional staff and utilising an associated IT platform to ensure that an effective service can be delivered. The proposal is considered in more detail in appendix 2 to this report.
5. It is suggested that the proposal is delivered by the Communities and Environment's Development, Transport and Public Protection Service. Parking Services would be the responsible team. The existing notice processing system was procured on the basis that environmental enforcement (such as dog fouling) could be added to the system and is therefore capable of being expanded to provide the various notices and correspondence that would be generated in relation to such environmental enforcement.

6. It is envisaged in the first instance that the operation would primarily focus on routine littering and dog fouling offences which lend themselves more easily to a process driven approach, and in particular where the on the spot FPNs may be issued by an enforcement officer. It is not intended that the operation would relate to offences such as fly tipping or placing of unauthorised signs on the highway. This responsibility would continue to require the specialist skills of the Licensing and Highway Enforcement officers. The new team would, however, provide additional 'eyes and ears' throughout the borough thereby complementing the work of other areas of the Council and also acting as a deterrent due to high visibility of patrols throughout the borough.
7. The approach outlined is considered capable of delivering the sort of enforcement and complementary education and guidance that the Council desires ensuring that responsible officers have direct control over both strategy and day to day operations. In turn, this will help minimise any reputational risk that could be associated with this new enforcement initiative. The risks, issues and benefits of the proposed in house solution are contrasted with an alternative outsourcing solution in appendix 3 to this report. The total annual cost of service delivery is estimated to be £300,000. It is anticipated that sufficient revenue would be accrued so that there would be no consequent net revenue cost to the Council. Non cashable benefits associated with an improved environment would also result.

Recommendations

8. It is recommended that:
 - i) An on-street Environmental Enforcement service is set up as proposed in the delivery model set out in appendix 2 to this report.
 - ii) The mini restructure as set out in appendix 2, figure 1 be approved.
 - iii) Regular reports on progress and impact are submitted to Portfolio and Cabinet, as necessary.

For the following reason:

In order to make a positive impact on the environment by providing a physical presence of officers on the streets to tackle perpetrators and to change behaviours; and to gather data to inform future plans for delivering this service.

Policy Context

1. The work of the Environmental Enforcement Team will link directly to Vision 2030, Gateshead Strategic Partnerships vision for Gateshead. In particular it will contribute to the goals of having residents and businesses that are environmentally aware and responsible and people who care for and look after their local area.
2. The work of the Environmental Enforcement Team will also contribute directly to the Council Plan 2015 – 2020 and in particular the two themes of Live Love Gateshead and Live Well Gateshead. The ambition of Live Love Gateshead is to encourage people to care about their local area and share responsibility for making and keeping our environment the best it can be. In order to support them in doing this the Council need to have the capacity available to take robust action against those who pollute and degrade the environment.
3. The ambition of Live Well Gateshead is for Gateshead to be a place where people choose to lead healthy lifestyles. The work of the Environmental Enforcement Team will assist in ensuring that the public realm is safe, attractive and usable. It will help to dissuade people from doing the wrong thing and as a consequence they will be more likely to enjoy their local area.
4. In addition the improved environment will help to encourage investment in the borough helping to support economic growth.

Background

5. The Council's current approach to environmental enforcement is predominantly reactive. This does not lend itself to the more traditional approach of deploying visible officers on the street which is the most effective means of dealing with issues such as littering and dog fouling.
6. The proposals in the report offer an opportunity to introduce on-street environmental enforcement to address these issues.
7. Proposals for an on – street environmental enforcement service were the subject of a report to Cabinet on 18 July 2017. Four potential options were outlined therein. The report asked Cabinet to consider the introduction of a team of on street Environmental Enforcement Officers (EEO's) to patrol the Borough and where necessary issue Fixed Penalty Notices (FPN's) for environmental crime incidents including littering and dog fouling.
8. Following consideration Cabinet resolved to explore/ develop an in house model for an on – street environmental enforcement service, including the recruitment of additional staff. Cabinet requested that a further report be submitted with a recommendation proposal. Alternative options which were discounted included development of a pilot using a contractor , carrying out the work using existing, already over extended resources of the Enforcement team and appointing a neighbouring authority to undertake the work on the Council's behalf.

Consultation

9. Initially a Members seminar was held to provide more information in relation to the option to develop a pilot scheme related to the use of an external contractor. At the meeting on 18 July 2017 Cabinet requested that an in house solution be considered and developed. The relevant Cabinet Members have been consulted with regard to this in house proposed solution. Implications of the emerging proposal have also been discussed with local members at a series of ward meetings and a picture of 'hot spots' throughout the Borough is being built up in order that resource can be appropriately deployed as and when this proposal is implemented.

Alternative Options

10. Alternative options under consideration were to develop a pilot using an external contractor, to utilise existing resources, to appoint a neighbouring authority to undertake the work on the Council's behalf and simply to do nothing.
11. In respect of the external contractor option there was concern that a lack of direct Council control could result in negative feedback and a reputational risk. Further concerns are explored in appendix 3 to this report.
12. There was simply not sufficient existing internal resource to take on this extensive brief. Neighbouring authorities did not offer a delivery model that would suit our purpose whilst to do nothing would not be an appropriate response as the state of the environment had been identified as a major public concern.

Implications of Recommended Option

13. **Resources**
 - a. **Financial Implications** – The Strategic Director, Corporate Resources, confirms that in revenue terms the delivery proposal is expected to be cost neutral. The Strategic Director, Corporate Resources confirms that the existing set up costs estimated to be £45000 would be met from the 2018/19 Capital Programme
 - b. **Human Resources Implications** – Within the proposal ten new posts are created. This will provide opportunity for existing staff and local people.
 - c. **Property Implications** - There are no property implications arising directly from this report
14. **Risk Management Implications** – Failure to deliver statutory responsibilities in respect of protecting the public and the environment should the Council not proceed with the delivery of environmental enforcement strategies may ultimately lead to government intervention.
15. **Equality and Diversity Implications** – An assessment of the proposal has indicated a neutral impact.
16. **Crime and Disorder Implications** – The enforcement regime that would be established would reduce criminal and anti-social activity.

17. **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.
18. **Sustainability Implications** – There are no sustainability implications arising directly from this report.
19. **Human Rights Implications** – There are no human resource implications arising directly from this report.
20. **Area and Ward Implications** - This report affects all wards equally

Background material

- PSPO consultation response summary 2016
- Residents survey 2016 results

APPENDIX 2

Internal Delivery Model

1. A proposal has been developed in accordance with the requirements of the approved minute (C44). This proposal sets out a model structure and identifies the implications of recruiting additional staff and establishing an utilising IT platform to ensure that an effective service can be delivered.
2. It is suggested that the proposal is delivered by the Communities and Environment's Development, Transport and Public Protection Service. Parking Services would be the responsible team. The existing notice processing system was procured on the basis that environmental enforcement (such as dog fouling) could be added to the system and is therefore capable of being expanded to provide the various notices and correspondence that would be generated. This will deliver synergies and reduce unnecessary duplication.
3. It is envisaged that in the first instance the operation would primarily focus on routine littering and dog fouling offences which lend themselves more easily to a process driven approach, and in particular where the on the spot FPNs may be issued by an enforcement officer. It is not intended that the operation would relate to offences such as fly tipping or placing of unauthorised signs on the highway. This responsibility would continue to require the specialist skills of the Licensing and Highway Enforcement officers. The new team would however provide additional 'eyes and ears' throughout the borough thereby complementing the work of other teams and delivery functions within the Council.
4. The approach outlined is considered capable of delivering the sort of enforcement and complementary education and guidance that the Council desires ensuring that responsible officers have direct control over both strategy and day to day operations. In turn, this will help minimise any reputational risk that could be associated with this new enforcement initiative. The risks, issues and benefits of the proposed in house solution are contrasted with an alternative outsourcing solution in appendix 3 to this report.
5. The existing structure of the Parking Service team and the proposed new structure to encompass environmental enforcement is set out in figure 1 included below. It locates 6 new Environmental Enforcement Officers operating on street and deployed in a manner that permits both early morning and evening shift patterns as required. The field officers are supported by 3 operational assistants and report to a new senior enforcement officer.
6. The total annual cost of service delivery is estimated to be £300,000. This largely relates to staff costs, but includes IT licenses and the renewal of uniform and equipment. These costs have been confirmed by the Strategic Director, Corporate Services. The IT changes required are minimal and capable of delivery within a fairly short timescale and at a reasonable cost estimated to be £45000.

7. Using the information available, a number of reasoned assumptions have been made as to how an in house model would operate in practice. This includes an assessment of the potential risks as well as the benefits, together with cost and revenue implications.
8. Whilst the overarching purpose of the proposal is to deliver an effective environmental solution for Gateshead it is nevertheless expected that FPN revenue generated will offset the revenue cost. Historical evidence of previous enforcement practice within Gateshead and knowledge of enforcement activities in neighbouring authorities suggests that revenue accrued in relation to in house delivery will meet this expectation and that there would be no consequent net revenue cost to the Council.
9. The Environmental Enforcement Officers would be supervised and managed within the existing Parking Services team. They would be fully trained and conversant with the Council's aspiration regarding environmental enforcement and complementary education and would be expected to adopt a robust though light touch approach. It is anticipated that there would be a three shift pattern (early, middle and late) and that there would normally be two officers on duty at any one time to address the current issues we have of littering and dog fouling taking place outside normal working hours. This would mirror a similar pattern to that adopted by the Council's parking enforcement officers.
10. It is expected that service delivery could begin in the first quarter of the new financial year 18/19. Deployment strategies would be evidence based and would be informed by Ward Member views and concerns.


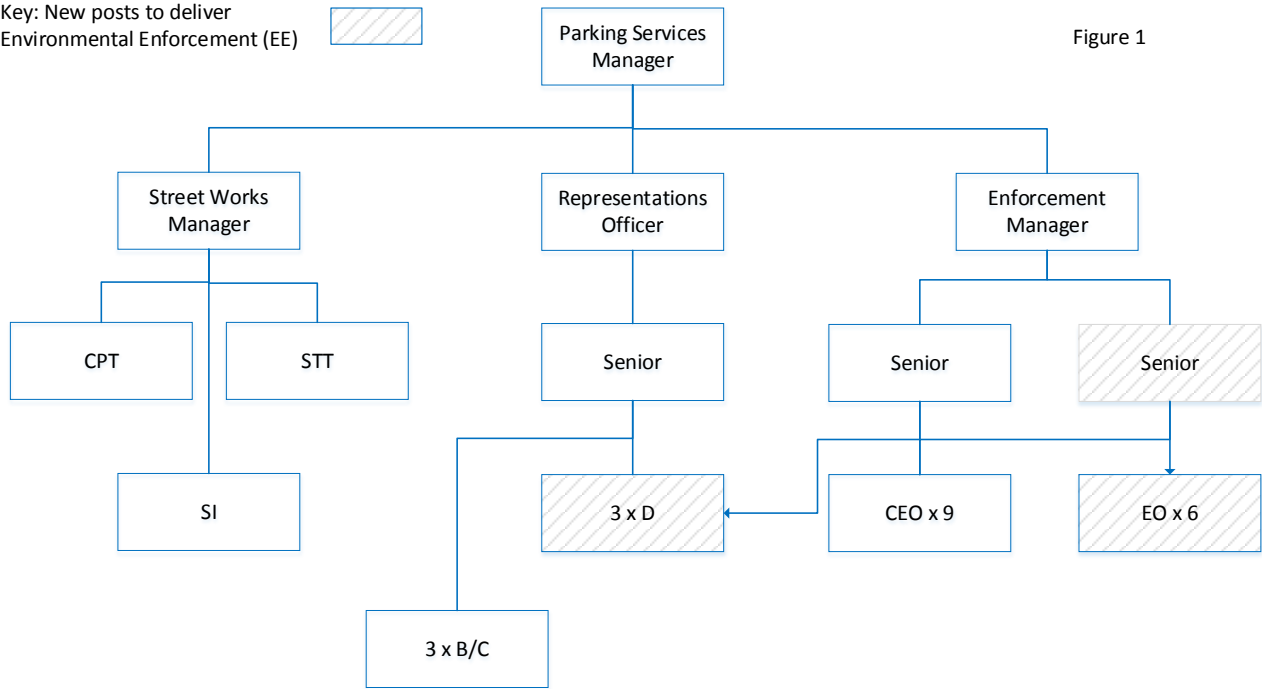
Key: New posts to deliver
Environmental Enforcement (EE) 

Figure 1



Organisational Structure: Communities & Environment
Development, Transport & Public Protection
Parking Services – Augmented Structure to include EE

December 2017

APPENDIX 3

Risks and Benefits

Risks and benefits of the in house proposal when contrasted with outsourcing to an external provider:

Benefits	Risks
<ul style="list-style-type: none"> • Delivers statutory responsibilities in respect of protecting the public and the environment. • Allows greater flexibility when deciding the criteria of any serving or appealing FPNs (i.e. warning or education rather than issue) • Allows greater control over the level, intensity and categories of enforcement (and greater flexibility to address any members' concerns) • Allows for more reactive enforcement • Better control of reputational risk • Easier to align the operation with the Council's broader policies • More connectivity and joined up working between all the strands of environmental enforcement within the Authority • Allows a complementary educational element to be introduced into the environmental enforcement process (e.g. school visits). • Creation and management of local employment • Any surplus revenue generated is retained within the Authority • Consistency of approach (the use of the Council's existing notice processing system and overall management overview) • Ability to control how robust the intervention is in relation to each and every particular circumstance. • Allows synergies with existing teams to maximize efficiencies. 	<ul style="list-style-type: none"> • All Financial risk lies with the Authority. • Requires an initial set up cost. • Requires the identification of a revenue budget going forward (the model used suggests that this will be revenue neutral and may allow a small surplus to be generated for the Council). • All of the staffing risk (filling post, covering absence) lies with the Council • No opportunity to share financial risks with an external partner

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TITLE OF REPORT: Chopwell Sustainable Communities Plan

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

Purpose of the Report

1. Cabinet is asked to consider and note the findings of the recent Chopwell and Blackhall Mill consultation exercise. Cabinet is also asked to agree the key themes and for these being used to develop a high level plan for the area.

Background

2. A number of development-led plans for Chopwell have been created over the years to address socio economic issues and support the area to be more sustainable.
3. In 2009 a Masterplan was agreed, which aimed to take forward improvements over a 15-20 year period. While a number of policies were implemented successfully, such as the introduction of landlord licensing within the private rented sector and small scale environmental improvements, progress in some of the longer term initiatives have been met with difficulties. This is due to a number of issues including; the broader economic climate, austerity and impact of regeneration across local authority boundaries.
4. The area faces challenges with low demand for Council owned homes, high levels of vacant properties in specific streets, viability concerns associated with development sites as well as other social economic issues. A new sustainable communities plan would incorporate these elements within a wider socio-economic approach to the area.
5. Cabinet agreed in July 2017 to initiate a project to develop a sustainable communities plan for Chopwell. It further agreed for the Council to begin consultation with residents to inform this plan.

Consultation

6. Consultation took place from early October through to 6 November. It comprised a survey, which could be completed in hard copy or on-line, as well as three public engagement meetings. Feedback from the events was very positive with residents supportive of the approach as well as being able ask questions to the senior officers of the Council. The community also asked that the Council meet them again early 2018 with the results of the consultation and to discuss the next steps.
7. Over 100 people attended and participated in the consultation events. 86 people responded to the survey. Both events focused on the same five questions, which has enabled the responses to be analysed as a whole. As the questions were designed to be open, responses differed in terms of breadth, detail and content. In order to manage the analysis and shape the plan development, they have been drawn into themed areas.

Emerging themes

8. The consultation responses highlighted the innate strengths of Chopwell, particularly the rural, countryside location and the strong community spirit. These could be harnessed to make the most of the assets that the local area has. They present an opportunity for the area to help strengthen the economy, attract people to visit or live in the area, increase social responsibility and boost sustainability.
9. The emerging themes were Housing; Environment and Public realm; Economy; Citizenship; Transport and Community safety. The issues ranged from small scale actions such as tackling litter, to long term interventions that would enable the area to be sustainable such as improving the retail offer and general economy.
10. There are key elements that can form the basis of a plan which will need to be short, medium and long term. Within this the community spirit and ethos is essential in developing and implementing this, particularly working with the various community groups.
11. A number of the issues are interrelated such as local economy and poor choice of shops. These need to be explored further with specific actions and timescales for delivery. Shorter term actions could be progressed more rapidly.
12. Resources to deliver the plan are crucial and potential funding sources are being investigated that may support the different themes. Some of the responses were mixed, such as views on housing development. Further consultation would be needed on the findings in order to understand issues and prioritise those activities that would have the biggest impact, in line with the wishes of the community.

Proposal

13. It is proposed that the key themes are used as the basis of a High Level plan for Chopwell and Blackhall Mill. This will set out the issues that matter most to local residents as well as potential actions that could be taken to address these. The actions will represent a plan to be taken forward with the community as it is clear that the community really value their role in the local area, while the Council does not have the level of resource needed to address everything identified in the consultation.
14. The plan will seek to set out short, medium and longer term areas of activity that will be subject to consultation with residents to prioritise and ensure it is focused on the right issues. Ultimately it will aim to address underlying causes of deprivation and viability, but will build on the many strengths identified by local people.
15. It is proposed that the high level plan be brought back to Cabinet for approval before further consultation with local residents. In the meantime some of the shorter term improvements will be looked at to identify an appropriate response.
16. Approval of these proposals would seek to support achievement of Council Plan priorities and contribute to a more sustainable place.

Recommendation

17. It is recommended that Cabinet:-

- (i) Agree the key themes identified from the consultation
- (ii) Agree to receive a report on the High Level Action Plan in February setting out key actions within these themes for the basis of consultation with the community.

For the following reasons:

- (i) To ensure investment is targeted in the most appropriate way and that it is focused on long term outcomes and community needs
- (ii) To support sustainable housing and economic growth
- (iii) To support Council Plan priorities for Prosperous Gateshead, Live love Gateshead, as well as the Council pledges.

CONTACT: Kate Bond extension: 3578

Policy Context

1. The proposal supports Vision 2030 by contributing to City of Gateshead, Sustainable Gateshead and Gateshead Volunteers Big Ideas. The proposal supports the Council Plan outcomes for: Prosperous Gateshead by supporting more jobs and people in work; Live Love Gateshead, developing a sense of pride and ownership including sharing responsibility for the environment; and Live Well Gateshead by helping the area to become a destination of choice with a range of affordable housing options.
2. The proposals also support all five pledges made by the Council to make Gateshead a place where everyone thrives. Each of the identified through the consultation contributes toward the pledges.

Background

3. Chopwell faces a variety of challenges including low demand for properties, poor retail offer, low economic base and other social economic issues. These issues,, when combined suggest that intervention would be needed to improve the housing and economic offer viability of the area. It is the combination of complex factors and interconnected difficulties (as well as being a rural setting) that indicate more fundamental activity is needed to deliver real and lasting change.
4. In July 2017 Cabinet agreed to initiate a project to develop a sustainable communities plan for Chopwell and Blackhall Mill primarily focusing on economy, housing and the environment. It will also link to children’s services / social care and health. Cabinet agreed to engage the local community as part of the development of the plan. This new sustainable communities plan will incorporate these development led elements within wider socio-economic approach to the village.
5. The Plan would seek to achieve the following high level objectives:
 - Achieve housing development that will increase the range of homes available in Chopwell through looking at land supply and interventions to improve viability and attractiveness of land for development and sale
 - Support economic growth with a stronger more viable business presence building on strengths of Chopwell
 - Continue to work with existing groups and engage other groups to help improve and sustain the attractiveness of the local environment
 - Promote Chopwell making the most of the rural location, history and heritage

Consultation process

6. The approach taken to the consultation was one that was very open with residents, asking questions to both bring out the positive aspects of life in Chopwell and Blackhall Mill, as well as identify areas for improvement. The questions also aimed to help prioritise issues for residents. The five questions were:
 - What do you like about where you live?
 - What are the key things that matter to you?
 - What do you think could change for the better where you live?
 - What could you or other local people do to help change happen?

- What could the Council or other organisations do to help make these changes?
7. Hard copy surveys were produced by the Council but were delivered to each home by the local community. The survey was also available on-line. In addition three public meetings were held to enable local people to highlight issues face to face as well as ask questions about the future. These took place at:
 - South Road Methodist Church, Chopwell
 - Chopwell Community Centre
 - Blackhall Mill Community Centre
 8. Councillors and officers attended the events along with officers of the Council. The police were also present in order to respond to community safety issues. The round table discussion format worked well, enabling everyone to have their say.

Consultation responses

9. 86 responses were received to the survey. As the questions were designed to be open, responses differed in terms of breadth, detail and content. In order to manage the analysis and shape the plan development, they have been drawn into some themed areas. Though naturally some interpretation has been used to aid this process, it does represent the overall views of local people emerging from the consultation. Specific details such as locations or particular ideas have also been captured and will be considered as the process moves forward. All of the responses have been collated and are set out in broad themes in the sections below.

Housing

10. Housing was identified as a key area for improvement. There are different elements to this. The first being some concern about the general housing offer. Issues identified were a lack of family homes, the need for more affordable homes and for new homes to be better connected to the community. Alongside this it should also be noted that some people were concerned about development and the green belt in particular.
11. Issues were highlighted with some private rented sector housing. These issues included, rubbish accumulating in back yards, properties in a poor state of repair as well as general issues with anti-social behaviour. It was considered by some respondents that the presence of some landlords could be making it difficult for people to buy homes in the area and that perhaps there was a greater need for Council housing locally.
12. It should be noted that the views of Chopwell as a place to live were overwhelmingly positive, in terms of the rural location, and could be used to help stimulate interest in the area.

Environment / public realm

13. While the rural setting was viewed extremely positively by local people, there were a number of environmental issues identified in the responses. The general look and feel of Chopwell clearly matters to residents. This links closely to the reasons why people like living in Chopwell, though many identified that improvements were needed to the appearance of the village. These included, improving shop / building frontage, tidying up the area and Front Street to make it more welcoming as well as potentially adding flowers, etc.

14. This also linked closely to the heavily valued community spirit and local pride with many reflecting on how people ought to take more responsibility for the area; though recognising that some may require support to do this as well as changing perceptions of Chopwell to others.

Economy

15. The rural location was clearly the main reason people liked living in Chopwell, with this being the top reason both at the events and through the survey. This suggests a strong USP for the area that could be built upon encompassing the views, countryside, peaceful area, green and open spaces, dark skies as well as proximity to Chopwell Woods.
16. Greater support for local businesses to improve the choice and offer as well as creating and sustaining more jobs were also considered as being necessary. This included supporting small businesses e.g hubs, improving broadband connectivity; bringing properties back into use and support for specific work in relation to the Chopwell Hotel. It was recognised that while there was an appetite amongst the community, support and expertise would be needed from the Council.

Citizenship

17. A very strong theme emerging from the consultation was the value placed on the community spirit, social responsibility and ownership of the area. Key points were the strong and helpful community, lovely people, people getting on well and the 'village feel'. There was a lot of support for community facilities as well as suggestions for improvement. There is a momentum of community action through the emerging Chopwell Regeneration Community Interest Company as well as other local groups. Alongside developing civic pride, respondents felt improved enforcement would be complementary to compel change. Some specific issues highlighted included:
- Improve the offer for children and young people. Some thought this to be important to new parents, while others suggested this could help enrich lives but also reduce ASB incidents.
 - Local people taking more responsibility. This relates to local pride, with people being more respectful and mindful so that they keep their own areas clean, which collectively can help to address the general appearance and perception of the area. This could also help reduce demand on services.
 - Better information sharing and communications locally as well as from the Council.
 - Local groups could achieve more with support from the community, the Council and others.
 - Increase enforcement around dog fouling, litter, fly tipping and tackling empty properties to help change behaviour

Transport

18. Although people liked the rural area they also valued the proximity to more urban areas such as the Metro Centre, Newcastle and Consett / Durham. This also linked to having good connections to these areas such as public transport. While there were differing views on public transport most recognised that transportation such as a car was important. Public transport issues included cost, routes, timetables and reliability.

19. Parking was also highlighted as an issue, with many of the streets in the village being narrow and unable to accommodate parking needs. Some suggested more parking with specific areas highlighted for potential additional parking, while others suggested a need for more considerate parking.

Community safety

20. Feeling safe was the most prevalent issue that mattered most to residents, with feeling safe either in their own home or when out and about in the local area being key factors. This came out very strongly in the survey with specific mention of anti-social behaviour as well as perceived alcohol/ drug use being issues of concern. Other issues around this theme included speeding and poor parking, both of which becoming safety concerns.
21. Neighbourhood Watch was mentioned specifically as a positive development, which could also help to address issues around feeling safe, as well as mitigate the desire for an increased police presence.

Resources to deliver improvements

22. The delivery of a plan will require resources. The aim is to develop a fully costed plan based on the results of consultation. Alongside this, two first stage funding bids for activities in Chopwell and Blackhall Mill have been submitted. The outcome of these outline bids are due to be announced in February:
- Place based social action - a joint £4.5m programme between DCMS and Big Lottery Fund using National Lottery funding. It aims to support collaborative working in local communities to create a shared vision for the future of their place. Up to £0.255m could be available in future years depending on successful progression, although only 20 areas will be taken forward into the phase two and only five to the round after that.
 - European Regional Development Funding - to support the creation of Sustainable Urban Development, a fund of £16m exists to support interventions, with up to 50% match funding available. The Council is exploring an energy-focused community-wide regeneration scheme, based in Chopwell with a total scheme cost of £15m
23. In addition other potential resources will be required to deliver the package of actions through the proposed plan in order to address the longstanding issues in Chopwell and to support greater sustainability. This in turn would help to reduce demand in the longer term.
24. Following development of and consultation on a high level plan a more detailed costed plan will be produced. This will be fully costed and resources to deliver it will need to be identified. The prioritisation of activities set out in the high level plan will be important, given the resource needs, hence the need for an area and asset based approach to ensure the Council and community work together and focus resources on the right issues. This high level plan will be presented to Cabinet for consideration.

Plan development

25. There are key elements that can form the basis of a plan which will need to be short, medium and long term. Within this the community spirit and ethos is crucial and the resulting plan must play to this strength, rather than conflict with it. There are a number of other strengths identified, particularly the location, which could be used as an opportunity for the area to help strengthen the economy, attract people to the area and boost sustainability.

26. A number of the issues are interrelated such as local economy and poor choice of shops. These need to be explored further with specific actions and timescales for delivery. Shorter term actions could include tackling road/ pavement issues, litter and dog fouling through enforcement mechanisms and setting up a Neighbourhood Watch Scheme. At the same time plans for medium and long term actions can also begin development. Alongside this the Council is exploring opportunities to work with Lankelly Chase Foundation on place based systems to improve outcomes and this could have a focus on this area.
27. It is proposed that Cabinet approve the use of the results of the consultation to form an outline plan. This would then be brought back to Cabinet to seek approval to consult with the community in order to develop a more detailed and fully costed plan. The following timescales are suggested for taking this forward:

Action	Date
Development of high level plan	January – February 2018
Cabinet	February 2018
Shorter term actions begin to be implemented	January - March 2018
Consultation with community on high level plan	February - March 2018
Outcomes of Place based Social Action / ERDF round one bids to be announced	February 2018
Fully costed detailed plan development	March – May 2018
Cabinet	May 2018
Implementation	June 2018

Consultation

28. Cabinet members have been consulted as part of the preparation of the report. Chopwell and Rowlands Gill ward councillors have also been consulted and support the proposals.
29. The proposal sets out the key themes emerging from the consultation undertaken with local residents of Chopwell and Blackhall Mill. Further consultation and engagement will take place as part of the development of the plan, though this will be subject to a separate Cabinet decision.

Alternative Options

30. The alternative options would be to either take a lower level approach to intervention in the area or to take no action to intervene. While the former would utilise fewer resources it would be unlikely to make a long lasting impact given the interrelated issues within the area, the latter would leave the area to market forces and current analysis suggests that this is failing to make real or sustainable improvement.
31. Although at an initial stage, it is suggested that the recommended option would offer the best chance in shaping Chopwell for the future and contributing towards longer term sustainability.

Implications of Recommended Option

32. Resources:

- a) **Financial Implications** - The Strategic Director, Corporate Resources confirms that there are no financial implications arising directly from this report. It is likely that there will be financial implications going forward as the work develops, though this would be subject to further reports to Cabinet as appropriate.
- b) **Human Resources Implications** – There are no direct human resource implications arising from this report.
- c) **Property Implications** – There are no direct implications arising from this report.

33. **Risk Management Implication** – There are no direct implications arising from this report though a full risk assessment would be undertaken as part of the project initiation.

34. **Equality and Diversity Implications** – There are no direct implications arising as result of the proposals described in the report, though the resulting plan would identify and assess any implications relating to equality and diversity and protected characteristics, with actions identified to mitigate potential adverse impact.

35. **Crime and Disorder Implications** – The consultation identified community safety issues, which have been highlighted as one of the key themes. The proposal seeks to develop a high level plan that will include activities to address issues raised by local residents.

36. **Health Implications** – There are no direct health implications resulting from this report, though the sustainable communities plan would contribute to healthier communities in the Chopwell area.

37. **Sustainability Implications** – The proposals aim to support the area to be more sustainable including housing and economic growth potential.

38. **Human Rights Implications** - There are no implications arising from this report though further recommendations that have Human Rights implications will be reported to Cabinet.

39. **Area and Ward Implications** – the proposal affects Chopwell and Rowlands Gill ward in the West area.

40. **Background Information**

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TITLE OF REPORT: Gateshead Fund 2017/18 Round Two Applications

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

Purpose of the Report

1. To consider the advice of the Gateshead Fund Advisory Group to Cabinet, specifically:
 - (i) Round 2 applications for funding from the Gateshead Fund
 - (ii) Sporting Grants to Individuals/Talented Athlete Scheme.

Background

2. This report has been prepared by The Community Foundation for Tyne & Wear and Northumberland, in accordance with the agreement between the Council and the Community Foundation to administer and develop The Gateshead Fund.
3. Council has agreed that the purpose of The Gateshead Fund (formerly the Capacity Building Fund) is to support voluntary organisations and community sector groups to build their capacity and sustainability.
4. The Fund is to increase organisations' skills / expertise to diversify their income, expand services or consider different ways of working (e.g. delivering services, collaboration and/or partnership working) so that they become more sustainable.
5. Council has agreed that the overall aim is to achieve a thriving voluntary and community and social enterprise sector in Gateshead as a result of the following outcomes:
 - Increased capacity building and sustainability within the voluntary and community sector
 - Increased provision of services by the voluntary and community sector (commissioned by the Council and Gateshead Strategic Partnership)
 - Improved clarity and equity in commissioning processes.
 - Simplified and proportionate application and assessment processes.
6. Council has agreed a £400,000 budget for the Gateshead Fund in 2017/18: £334,000 for the Capacity Building Fund and £66,000 for the Local Community Fund.
7. In addition, Cabinet agreed Advisory Group's recommendation of 16th February 2017, that the remaining £117,000 funding from 2016/17 should be carried forward to 2017/18. With the addition of returned funding allocated in 2016/17 this has resulted in a total budget for 2017/18 of £458,984

Proposal

8. An agreement for the development and administration of the Gateshead Fund by the Community Foundation for Tyne & Wear and Northumberland was signed in August 2016. This also covers administration of the Main Fund, Gateshead Volunteers Month Small Grants and Sporting Grants to Individuals together with exploring the development and growth of the Fund for the next three years.
9. Council has agreed that applications to the Gateshead Fund will be considered by the Gateshead Fund Advisory Group who will give advice to Cabinet. This Advisory Group met on 31st March 2017 to consider the approach and principles on which allocations of the Gateshead Fund for 2017/18 will be made.
10. Advisory Group agreed to continue with the Fund's 2016/17 principles but also approved the recommendations made by the Community Foundation to simplify the funding criteria, implement a more straightforward application form and rebrand the Fund to The Gateshead Fund. The simplified objectives for the Fund are to:
 - Develop the capacity of voluntary, community and social enterprise sector organisations in Gateshead
 - Support the provision of services by voluntary and community organisations in Gateshead
 - Create stronger communities in Gateshead by building on the voluntary efforts of residents, local community assets and the work of elected members in their wards.
11. The Gateshead Fund is an open application process for new and existing groups and organisations based or working in Gateshead. The Fund will support organisations to build their capacity and sustainability as well as small grassroots community groups to help the Council achieve the Council Plan outcomes:
 - Prosperous Gateshead
 - Live Love Gateshead
 - Live Well Gateshead
12. The Gateshead Fund Advisory Group met on 20th November 2017 to consider the allocation of funding for the second round of applications.
13. 22 applications were received requesting a total amount of funding of £186,530. This includes two applications which were subsequently withdrawn and one which was tabled as an exceptional circumstance. The Advisory Group has ensured that all organisations recommended for funding have demonstrably evidenced need and impact.
14. The Advisory Group recommended 16 funding applications are approved, totalling £99,363.
15. The Advisory Group recommended that 1 application for funding should be deferred pending further information being provided. A further application was also deferred however Advisory Group recommended a proportion of the funding request should be supported. It is proposed that officers and the Community Foundation will work

with the organisations and that they are invited to re-submit a revised application, following assessment feedback.

16. The advice of the Gateshead Fund Advisory Group for Round 2 applications is at Appendix 2 paragraph 4 and Appendix 3.
17. The budget for Sporting Grants to Individuals is £12,000 a year, offering support to talented individuals to compete in events such as the Olympics and Commonwealth Games and other major international events. This is in addition to the retrospective awards for individuals who compete on an individual basis or selected for a team.
18. 21 applications have been recommended, totalling £5,100.
19. The advice of the Gateshead Fund Advisory Group for Sporting Grants to Individuals and Talented Athletes is at Appendix 2 paragraph 4.
20. The Gateshead Fund Advisory Group noted the progress for the research project designed to grow and develop the Gateshead Fund; this will be presented by the Community Foundation at a special Advisory Group meeting in early December 2017.

Recommendations

21. Cabinet is recommended to approve the advice of the Gateshead Fund Advisory Group from 20th November 2017 and specifically:
 - i. The recommendations for Round 2 of The Gateshead Fund, as set out in Appendix 2 paragraph 4 and Appendix 3.
 - ii. The recommendations for Sporting Grants to Individuals and Talented Athletes as set out in Appendix 2 paragraph 4.

For the following reasons:

- To ensure that the Gateshead Fund is used to maximise benefits to local communities and is managed effectively.
- To build capacity and sustainability in voluntary and community organisations in Gateshead.

Policy Context

1. The Council is committed to supporting and maintaining a vibrant voluntary and community sector in the Borough. The Council funds voluntary and community sector organisations, supporting their running costs, specific activities and building their capacity. The Council asks organisations to demonstrate how activities support the Council's policies and priorities (Vision 2030 and the Council Plan).

Background

2. The Gateshead Fund Advisory Group met on 20th November 2017 to consider the second round of 2017/18 funding applications from voluntary and community organisations as well as Sporting Grants to Individuals.
3. An agreement for the development and administration of the Gateshead Fund by the Community Foundation for Tyne & Wear and Northumberland was signed in August 2016. This covers administration of the Main Fund; Gateshead Volunteers Month Small Grants and Sporting Grants to Individuals, together with exploring the development and growth of the Gateshead Fund for the next three years.

Consultation

4. This report has been prepared following consultation with The Gateshead Fund Advisory Group.

Alternative Options

5. The applications have been recommended based on the Gateshead Fund criteria. The Council could decide not to award any funding to voluntary and community organisations. This would prevent the Council meeting its priorities in Vision 2030 and the Council Plan.

Implications of Recommended Option

- 6 **Resources:**
 - a) **Financial Implications** – These are set out in the financial summary within Appendix 2.
 - b) **Human Resources Implications** – There are no human resources implications for the Council from the proposals.
 - c) **Property Implications** - There are no property implications for the Council from the proposals.
7. **Risk Management Implication** - There are no risk management implications for the Council from the proposals.

8. **Equality and Diversity Implications** - The applications will support the voluntary and community sector to deliver services to vulnerable groups across Gateshead.
9. **Crime and Disorder Implications** – There are no crime and disorder implications for the Council from the proposals.
10. **Health Implications** - The applications will support the voluntary and community sector to deliver services and Public Health priorities to improve the health and wellbeing of vulnerable groups across Gateshead.
11. **Sustainability Implications** - The applications will support the sustainability of the voluntary and community sector based and working in Gateshead.
12. **Human Rights Implications** - There are no Human Rights implications for the Council from the proposals.
13. **Area and Ward Implications** - The applications will support all wards in the Borough as membership of some of the organisations concerned is drawn from across the Borough.

Background Information

14. The minutes and papers for the Gateshead Fund Advisory Group meeting held on 20th November 2017.

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APPENDIX 2

GATESHEAD FUND ADVISORY GROUP

Date: 20th November 2017

Advice to Cabinet

1 APOLOGIES FOR ABSENCE

Apologies were received from Cllr. H. Haran

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 FUND MANAGER'S REPORT

The Advisory Group were informed of the background to the Fund, its administration by the Community Foundation and the approach taken to Round 2 of the Gateshead Fund in 2017/18.

A summary of support available for applicants was presented and it was noted that organisations are invited to discuss their projects with the Community Foundation prior to submission of an application in order to advise on suitability and eligibility. This resulted in extensive dialogue between the Community Foundation and Newcastle Council for Voluntary Service to support a number of potential applications.

It was noted that, following a meeting on 8th September 2017, it was agreed that Council Officers' input would be included as part of the project description to further demonstrate need and organisational capacity. Comments have been included, where appropriate, and have informed the assessment recommendations.

It was noted that there were two applications withdrawn: Gateshead Visible Ethnic Minority Support Group and South West Tyneside Methodist Circuit (SWTMC). Both groups will be encouraged to reapply in Round 3 and meetings will be held to discuss their applications.

The Advisory Group queried whether it was appropriate to support SWTMC to apply as Blaydon Methodist Church to ensure they met the guidelines. It was explained that they should have applied as Blaydon Church, although the application could have been considered as a partnership; however, it had proved problematic to resolve some issues in this regard, such as with the accounts, therefore it was deemed more appropriate to withdraw the application and allow a new application with the correct supporting documentation.

The Advisory Group requested that additional information be included in the papers should a similar situation arise in the future. This was accepted by the Community Foundation.

Round 2 of the Gateshead Fund attracted 21 applications received with a total value of £173,200; all applications were received by the deadline. Following the withdrawal of two, noted above, 19 were considered, with three recommended for rejection and one not recommended for funding. The remaining 15 were recommended for funding by the Community Foundation, with grant awards totalling £102,815.

A summary table of the applications received, and the Community Foundation's assessment reports and recommendations relating to them were also tabled for the Advisory Group's recommendations.

There were 21 Sporting Grants to Individuals recommended, totalling £5,100.

RESOLVED - That the information in the report be noted.

4 ROUND 2 APPLICATIONS AND FUNDING RECOMMENDATIONS

Round 2 Applications to the Gateshead Fund

Financial Summary

Financial Summary November 2017	Total Funding Requested	Total Funding Recommended
Gateshead Fund funding available to organisations after Round 1		£291,220
Funding available to Talented Athlete/Sporting Individuals after Round 1		£10,600
Total Funding available		£301,820
Round 2: - 21 applications received	£173,200	
Round 2 - 14 applications recommended	£107,020	£86,033
1 additional funding request tabled	£13,330	£13,330
Round 2: 21 Sporting Grants to Individuals recommended	£5,100	£5,100
Total funding recommended		£104,463
Remaining Funding for Organisations 2017/18		£191,857
Remaining Funding for Talented Athlete/Sporting Individuals 2017/18		£5,500

Advice to Cabinet

Cabinet is asked to approve the following rejected applications:

Organisation	Amount requested	Amount awarded
A Living Tradition CIC	9,550	0
Digital Voice for Communities	10,000	0
Teamwork Development Trust CIC	9,270	0

Cabinet is asked to approve the following application not recommended for funding

Organisation	Amount requested	Amount awarded
Northern Roots	10,000	0

Cabinet is asked to approve the following applications recommended for funding.

Organisation	Amount requested	Amount awarded
Gateshead Clubhouse	4,500	4,500
The DASH Group (THE DR ADLER SUPPORT & HELP GROUP)	7,500	4,935
Winlaton Library Volunteer Association	8,150	8,150
Birtley Community Association	9,100	9,100
Gateshead Older People's Assembly	9,921	9,921
Leam Lane Community Association	6,680	6,680
Ryton Cricket Club	9,250	9,250
The Nest Café & Community Rooms CIC	10,000	1,000
Gateshead Community Rowing Club	7,200	7,200
Christ Church Felling	7,317	7,317
Gateshead Stadium Powersports Club	9,922	500*
Peace of Mind	5,680	5,680
Pelaw Youth & Community Centre	10,000	10,000
Caprian Theatre Company	1,800	1,800
Jewish Community Council of Gateshead	13,330	13,330

Cabinet is asked to note Advisory Group recommended the following deferred applications which require further information to be sought. It was agreed that, officers and the Community Foundation work with the organisations and that they are invited to re-submit a revised application, following assessment feedback.

Gateshead Hatzola

*Gateshead Stadium Powersports Club – Advisory Group recommended to defer the decision to purchase the gym equipment until a future round to enable the Sport and Leisure team to confirm how the review of the gym at Gateshead Stadium will impact

on the Powersports Club. The funding for the qualification coaching course was supported.

Cabinet is requested to note the Sporting Grants to Individuals as listed below.

Adam Barrett	£100	Helen Rowlands	£100
Sophie Donaldson	£100	Charis Gray	£100
Jessica Weymes	£100	Louie Abraham	£200
Alexander Brown	£200	Alex Brydon	£200
Liam Reveley	£200	Sophie Littlemore	£200
Georgia Kyle	£200	Amy Barron	£200
Harry Young	£200	Anna Kay	£200
Ellen Donaldson	£200	Ella Murray	£200
Sam Gorman	£200	Paul Dixon	£400
Steven Dixon	£400	Kyle Crombie	£400
Matthew Loftus	£1,000		

5 ANY OTHER BUSINESS

5.1 Update on advance release of funds to the Community Foundation

It was noted that following agreement at the Round 1 Advisory Group meeting, and subsequent Cabinet approval, the Community Foundation will submit invoices for the expected amount to be distributed, prior to each Advisory Group meeting. This should result in grants being released one to two weeks earlier than previous rounds.

5.2 Neighbourhood Management update

5.2.1: Jewish Community Council of Gateshead (JCCG)

JCCG approached the Council in September 2017 to explain they were experiencing some financial difficulties. Subsequently, JCCG had taken the decision to issue a redundancy notice to the JCCG Business Development and Project Manager. The absence of this role would affect the communication, information sharing and relationship management with Gateshead Council, as well as the significant advice and support provided to the various autonomous organisations within that community.

The Advisory Group considered a grant to JCCG of £13,330, which will cover the period 1st November 2017 to 31st March 2018, and which will support delivery of a number of specific outcomes. Although not a direct application to the Fund, the request can be considered as an exceptional circumstance.

Resolved – Agreed by the Advisory Group

5.2.2: Research Report and options for the Gateshead Fund

Advisory Group noted that a dedicated meeting is proposed for early December to present and consider the findings of the Community Foundation's Research Report and options for The Gateshead Fund.

5.3: Round 1 application follow-up

Advisory Group noted that, following Round 1 in 2017, three applications that were unsuccessful are now being considered by other Community Foundation Funds. A further update will be provided at the Round 3 Advisory Group meeting.

5.4: Vital Signs North East

Advisory Group was provided with an overview of the Community Foundation's Vital Signs North East, together with a promotional leaflet with further details. Advisory Group members were invited to visit the website and take part by giving their views on the issues they felt were important in the region.

PRESENT: Councillor C Donovan (Chair)

MEMBERS PRESENT: Councillors: J Turnbull; I Patterson; L Green; M Hood; J Eagle

IN ATTENDANCE: Ian Stevenson Gateshead Council
Linda Whitfield Gateshead Council
Nils Stronach The Community Foundation

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Appendix 3: Gateshead Fund Round 2 2017/18: Table of recommendations

Rejected applications

	Ref. #	Organisation	Project	Amount requested	Amount recommended	Reason for recommendation
1	181279	A Living Tradition CIC	Roma Support	9,550	0	Application from CIC for ongoing work, therefore outside Fund criteria. Group based outside Gateshead, therefore a lower priority for the Fund.
2	181331	Digital Voice for Communities	Digital Skills for Gateshead	10,000	0	Application from CIC for ongoing work, therefore outside Fund criteria.
3	181335	Teamwork Development Trust CIC	Assisting older people in Gateshead experiencing isolation and vulnerability	9,270	0	Application from CIC for ongoing work, therefore outside Fund criteria.
Total rejected applications				£28,820	£0	

Page 165

Applications not recommended for funding

	Ref. #	Organisation	Project	Amount requested	Amount recommended	Reason for recommendation
1	181340	Northern Roots	Gateshead Diversity Network	10,000	0	Application not strong against objectives. Unresolved issues relating to financial management and accounts.
Total not recommended for funding				£10,000	£0	

Community Foundation serving Tyne & Wear and Northumberland

Applications recommended for funding

	Ref. #	Organisation	Project	Amount requested	Amount recommended	Reason for recommendation	
	1	181173	Gateshead Clubhouse	Sustaining Gateshead Clubhouse	4,500	4,500	Funding for core and activity costs will enable GC to continue delivery while preparing further funding applications.
	2	181203	The DASH Group (THE DR ADLER SUPPORT & HELP GROUP)	DASH Group - 'Forging Forward'	7,500	4,935	The provision of equipment and transport, with support from volunteers, will help towards improving beneficiaries' personal wellbeing, aid their recovery and prevent isolation.
3 Page 166		181225	Winlaton Library Volunteer Association	Running Winlaton library	8,150	8,150	Funding will allow the Association to maintain the service and support their aim to ensure that the library will have more members and users.
		181308	Birtley Community Association	Development of Social Enterprise	9,100	9,100	Funding will help to build capacity through training.
	5	181309	Gateshead Older People's Assembly	Development of diversified income streams	9,921	9,921	Funding will help to develop capacity through the review of potential revenue streams and will have the added value of promoting the group more widely through community activities.
	6	181316	Leam Lane Community Association	Strengthening the organisation	6,680	6,680	Funding will give the Association a better chance of survival for the benefit of the local community
	7	181321	Gateshead Hatzola	BTEC First Person on Scene Level 4 training	7,360	Deferred	Deferred to Round 3, pending further information requested by Advisory Group.
	8	181330	Ryton Cricket Club	Installation of Accessible WC facilities	9,250	9,250	Funding will support a more inclusive local community facility.

Community Foundation serving Tyne & Wear and Northumberland

9	181332	The Nest Café & Community Rooms CIC	Pop-up Nest	10,000	1,000	Funding will support expansion of the group's activities.
10	181333	Gateshead Community Rowing Club	Gateshead CRC Growth and Expansion	7,200	7,200	The purchase of specialist equipment will enable GCRC to encourage more young people, and those with disabilities, to take part.
11	181337	Christ Church Felling	Christ Church Hall Refurbishment	7,317	7,317	Funding will enable a community asset to be brought back in to use for the benefit of the community.
12	181338	Gateshead Stadium Powersports Club	To promote Powersports as a healthy lifestyle choice for all	9,922	500	Funding will enable two coaches to achieve Level 1 British Powerlifting
13	181341	Peace of Mind	Maintaining an asset for charity and community use	5,680	5,680	Funding will enable the group to improve its governance.
14	181342	Pelaw Youth & Community Centre	Maintaining an asset for charity and community use	10,000	10,000	Funding will support the asset transfer of a community building to ensure continued use.
15	181406	Caprian Theatre Company	Theatre Seating for Community Pantomime	1,800	1,800	Funding will enable the group to deliver important community activities.
16	TBC	Jewish Community Council of Gateshead	Contribution to salary and on-costs of the Business Development and Project Manager	13,330	13,330	Funding will support the organisation to explore options for a refreshed business model to support sustainability
Total shortlisted				£127,710		
Total recommended for funding					£99,363	

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REPORT TO CABINET

19 DECEMBER 2017

TITLE OF REPORT: Enterprise Zone: Business Rate Growth Income Pooling Agreement

REPORT OF: Mike Barker, Strategic Director, Corporate Services and Governance

Purpose of the report

1. This report seeks approval to enter into an overarching Business Rates Growth Income (BRGI) Pooling Agreement with the North East Combined Authority (NECA) in its current role as the accountable body of the North East Local Enterprise Partnership (North East LEP). This BRGI Pooling Agreement sets out the BRGI pooling arrangements for Enterprise Zones in the NELEP area over the 25 year BRGI period for each site, with a final date of the agreement running to 31 March 2043. It is anticipated that this overarching agreement will enable the individual funding agreements required to implement each approval of funding to be simplified and thereby accelerate the process of approval and subsequent development of the sites.

Background

2. There are now 20 Enterprise Zone (EZ) sites approved in the North East Local Enterprise Zone (North East LEP) area, with at least 1 site in each local authority area, as listed in Appendix A. Ten Round 1 sites became operational in April 2013; nine Round 2 sites became operational in April 2017; and one will become operational in April 2018. The Council has 1 enterprise zone site in its area, this is Follingsby Park.
3. The granting of Enterprise Zone status to these employment sites by the Government means that businesses who occupy the sites can receive benefits of either discounted business rates or enterprise capital allowances for a limited period and within European state aid rules. The Government also allows 100% of BRGI to be kept to fund infrastructure and intervention costs needed to develop the sites over a 25 year period, which is paid to the North East LEP each year. In most cases, infrastructure costs occur at the start of the period and this will require borrowing to fund the works. The North East LEP will approve the capital and financing costs to be funded from pooled Business Rates Growth Income (BRGI) and determine the use of any BRGI surplus after costs have been met.

Proposals

4. Each of the seven Local Authorities in the North East LEP area have been asked to enter into an overarching agreement in order to provide a transparent and consistent approach for:
 - the treatment of pooled Business Rates Growth Income across the North East LEP area;
 - the financing of site intervention costs;
 - the funding of eligible revenue costs;
 - the operation of a performance incentive arrangement aimed at accelerating development, and maximising BRGI;
 - the treatment of any net surplus after all costs have been funded; and
 - the treatment of any borrowing costs that cannot be funded from the BRGI pool in the unlikely event of a shortfall in total pooled income resulting in a net deficit.

Recommendations

5. It is recommended that Cabinet:
 - (i) agrees to enter into the overarching Enterprise Zone Pooled Business Rate Income Agreement with the North East LEP and its accountable body NECA;
 - (ii) notes that the existing round 1 funding agreements will be replaced with new agreements consistent with the new overarching BRGI agreement (Newcastle: North Tyneside: Northumberland and Sunderland); and
 - (iii) delegates authority to the Council's Strategic Director, Corporate Services and Governance to complete the necessary legal documentation, following consultation with the Strategic Director, Corporate Resources and the Chief Executive.

For the following reason:

To provide a regional framework to enable the Council and other local authorities to pursue economic growth objectives in relation to Enterprise Zones.

Policy Context

1. The proposal will align with Vision 2030, in particular in particular Prosperous Gateshead, and the Sustainable Gateshead big idea within the Sustainable Community Strategy, Vision 2030, by seeking to accelerate economic growth and job creation.

Background

Round 1 Enterprise Zones

2. The initial ten Round 1 Enterprise Zone sites proposed by four Local Authorities and submitted for approval by the LEP in 2011 were formally approved by Government in 2012, with a 25 year Business Rate Retention period starting on 1 April 2013 and ending on 31 March 2038.
3. Ten sites were submitted and approved, clustered in three areas –
 - A19 Ultra Low Carbon Vehicle Corridor
 - North Bank of Tyne
 - Port of Blyth
4. The original proposals envisaged that borrowing would be undertaken to fund the up-front infrastructure costs and that this would then be financed by the Business Rate Growth Income (BRGI) retained over a 25 year period.
5. A funding protocol developed by the Local Authority Treasurers set out that borrowing and approved revenue costs would be met from pooled Business Rate Growth Income over the period as a priority, before the net surplus could be determined and allocated by the LEP. It was also proposed that grants be accessed where possible to minimise external borrowing costs and risk, and to maximising the net surplus.
6. The North East LEP decided that rather than undertake expensive external borrowing, it would authorise the use £21.026m of its own North East Investment Fund (NEIF) to finance the first of the infrastructure works needed in three Local Authority areas. This ‘internal loan’ would be repaid to the NEIF from the BRGI from the Enterprise Zone sites. The LEP has also made temporary use of Local Growth Fund grants to defer the need to carry out actual external borrowing. This has meant that no external borrowing has been carried out to date, which has minimised the costs falling on the Enterprise Zone account and this has therefore maximised the potential BRGI surplus.
7. In the next few years the temporary use of internal funds will need to be transferred back to the NEIF and to Local Growth Funded projects. This will mean an element of refinancing, using internal funds or external borrowing.

The existing Round 1 legal agreements already in place will be revised to reflect the new arrangements and will make clear whether the refinancing will be carried out the individual local authority or by NECA as the accountable body for the North East LEP, where this is possible.

8. In overall terms the pace of development on the Round 1 sites has been slower than initially envisaged and BRGI income is lower than initially expected. This was reflected in a revised set of BRGI projections made when the Enterprise Zone Funding Model was updated by DTZ in November 2014. A revised prudent estimate of income projections is being updated and will be included in a refreshed Model, based upon information provided by each local authority, which is expected to be finalised in March 2018. It is estimated that the EZ pooled business rate income account should produce a net surplus over the round 1 and round 2 sites, recently estimated at over £150million over the life of the Enterprise Zone in cash terms.
9. It is now expected that external borrowing will need to be undertaken by all round 1 local authorities in order to finance newly approved infrastructure works. The replacement of the existing funding agreements will make it clear how the repayment of the internal loans from the NEIF and the repayment of the temporary use of Local Growth Fund grants is to be financed. The North East LEP has no borrowing powers itself and NECA, its current accountable body, can make use of other internal funds but can currently only borrow for transport infrastructure. Borrowing for economic development purposes would need to be undertaken by each local authority.

Round 2 Enterprise Zones

10. Ten new Enterprise Zone sites were proposed by the Local Authorities and submitted for approval by the North East LEP in 2015 and were formally approved by Government in 2016, with a 25 year Business Rate Retention period starting on 1 April 2017 and ending on 31 March 2042 for nine sites. The BRGI retention period for the IAMP site will commence a year later on 1st April 2018 and is expected to end on 31 March 2043 (the final date in this agreement), following formal approval of its red line boundary area by the Government before 31 March 2018.
11. Infrastructure costs estimated to be around £90m will need to be funded by borrowing agreements by each council, with the North East LEP agreeing the level of the infrastructure costs to be funded. Each funding agreement will set out the annual amount of BRGI income that each council will receive to cover its borrowing costs. This will enable each council to use its prudential borrowing powers to finance the infrastructure works required on their own enterprise zone sites. The level of infrastructure costs will be subject to the approval of the North East LEP following the submission of final business cases. Several business cases are expected to be received for consideration by the North East LEP Board in November 2017, January 2018 and March 2018.

12. The intention is to complete the refresh of the Enterprise Zone Financial Model taking account of the updated information from the North East LEP approvals in November 2018 and January 2018. This would also include the business cases submitted by the end of February 2018, with the results being reported to the North East LEP Board for approval in March 2018. A full refresh of the Enterprise Zone Model is proposed to take place every third year, with periodic and annual update reports to the LEP Board. These will monitor progress with site development, job creation and the financial performance of the Enterprise Zone account.

Use of the EZ Surplus and Incentivising Performance and Accelerating Development

13. The North East LEP will determine how any net surplus on the Enterprise Zone account is to be allocated. In consideration for the use of the North East LEPs NEIF and LGF funds and to help provide a secure medium term plan position for the LEP Core team, the North East LEP Board agreed in 2015 that if necessary up to £500k a year could be used to support the costs of the team, which would be subject to approval on a rolling three year basis provide that a net surplus on the Enterprise Zone account was still projected to occur.
14. In May 2017 the North East LEP Board considered and approved a proposal that Councils be eligible to use a ring-fenced element of their surplus as a performance reward incentive - as a result of achieving jobs and higher levels of BRGI on their sites. This would give a clear financial incentive to councils to accelerate development and income generation in their own Enterprise Zones. They would be able to apply this ring-fenced surplus to finance significant economic projects (that are in line with guidance to be issued by the LEP) that help with the achievement of the Strategic Economic Plan objectives.
15. The incentive would allow Local Authorities to determine the use of 50% of any income in excess of a Baseline Income Target and 25% of income generated between 80% and 100% of a Baseline Income Target. This would include a 10% incentive to deliver the agreed outputs (e.g. jobs and developed floor space) in the Enterprise Zone areas. The Baseline Income Target will be set out in the individual funding agreements and will be based upon a prudent estimate of income from each site after deducting a 10% contingency from Round 1 site BRGI already being received and a 15% contingency from BRGI from potential new buildings on the sites.

Financial Benefits of Enterprise Zones to Councils

16. Since the Government started to Localise Business Rate Income, councils have been able to retain a proportion of business rate growth over their whole area. Currently councils can retain 50% of the Business Rates growth across their whole area and it is possible that after 2020 councils may be able to retain a higher percentage – possibly up to 100%. However this is not certain and councils are likely to only retain the benefit of any

growth for a relatively short period of time – possibly from one to five years before the grant system is reset. While some growth may be retained for a second period (until the next reset) it is uncertain how much could be retained and indications are that it could be a relatively low percentage. The level of any retained growth is uncertain and it is therefore difficult to use this income to justify the funding of prudential borrowing to carry out infrastructure works.

17. In Enterprise Zones, the certainty of the retention of income over 25 years brings a significant additional retained income benefit to the area. The income can be used to justify prudential borrowing for capital infrastructure works. In addition to the benefits of job creation and economic growth, Councils benefit from:
 - the funding of capital infrastructure works in their area;
 - the potential for a performance reward incentive; and
 - the potential to benefit from the allocation of any net surplus by the North East LEP or its successor body in the future.
18. The proposed pooled BRGI arrangements should put in place favourable cash flow arrangements that should avoid additional costs of Enterprise Zones impacting on the revenue accounts of councils in the short and medium term.

The need for an Overarching Legal Agreement

19. The current approach of completing a detailed legal agreement for each site funding application has resulted in several agreements which vary in their terms, content and format and have taken considerable time and effort from the North East LEP and each council to complete. There is now a need to complete another 15 funding agreements for Round 1 and 2 sites. An overarching Business Rate Pooling Agreement, with simpler site-specific funding agreements would help provide a level of consistency and equity across all councils and should help accelerate the completion of the new funding agreements and help accelerate development.
20. The Enterprise Zone funding principles and arrangements have been developed since 2012 and have been subject to change over the last few years for a variety of reason. There is now a need for transparency, consistency; and greater certainty about the treatment of income and expenditure and the financing of infrastructure works and the treatment of any surplus in the short, medium and long term for up to 25 years into the future.
21. With the potential for councils to be carrying out significant prudential borrowing over the next few years in order to fund infrastructure works, it is necessary to be clear exactly how the borrowing is to be funded and exactly where the risk of repaying the borrowing falls in the event of income from a particular site being less than that needed to cover the costs relating to that site. The proposed approach to manage and minimise this borrowing risk is to extend the principle of pooling income across all Round 1 and 2 Enterprise Zone sites to cover borrowing costs.

22. A formal agreement is needed between the North East LEP; its accountable body NECA and each of the local authorities that can be operated over the whole life of the agreement by council officers over the next 25 years and is capable of dealing with any changes to the parties to the agreement over time through novation and residual body arrangements.

Key Elements in the Agreement

23. The Business Rates Pooling Agreement covers the following key elements:
- clarification of the arrangement for the payment of pooled Business Rate Income each year to the North East LEP or its accountable body, including the calculation of income to be paid and the timing of the payment in May after the year end;
 - the process for the approval of new interventions;
 - the treatment of existing funding arrangements for Round 1 sites;
 - the treatment of borrowing and the funding of borrowing costs;
 - arrangement for utilising the pooled BRGI;
 - the treatment of any BRGI deficit, which will fall to be met proportionately by those councils that have not generated their expected income and have a deficit on their own account, in the event of any net deficit remaining over the whole period;
 - reporting arrangements; and
 - standard terms to be included in the funding agreements that will sit below the pooled BRGI agreement.

Potential Impact on Objectives

24. Entering into the Business Rate Pooling Agreement should contribute to the acceleration of the development of Enterprise Zone sites and help to achieve of the North East LEP Strategic Economic Plan objectives, in particular those relating to job creation and employment.

Consultation

25. The following have been consulted in producing this report.
- Leader and Cabinet and support Members for Economy.
 - Corporate Resources.

Alternative options

26. The alternative option would be to refrain from entering into the Pooling Agreement and to seek to proceed with development of the Follingsby Enterprise Zone in ad hoc arrangements with North East LEP and the developer outside of the pooling arrangement. That option would be less financially beneficial to the Council because, outside of the pooling arrangement, the Council would keep only 50% of BRGI as opposed to

100% and because there would be resets to the baseline against which BRGI is calculated further reducing the amount of BRGI to be retained by the Council.

Implications of recommended options

27. Resources

- a) Financial Implications** – The Strategic Director, Corporate Resources confirms that:

The Enterprise Zone scheme transfers the costs, risks and rewards of development from participating local authorities to NECA, with NECA providing any infrastructure funding and refunding any other costs incurred by participating councils.

If Gateshead's Enterprise Zone generates annual surpluses (once all costs are accounted for), the profit-sharing mechanism means that a proportion of this income will be shared with the Council.

However, a long-term risk also remains, as an overall deficit in the Council's Enterprise Zone in March 2043 will result in a payment being required from the Council to NECA.

- 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.

- 25. Risk Management Implications** – The Business Rates Pooling Agreement aims to minimise the risks associated with the ability to fund the borrowing costs on individual sites through a pooling of income from all Round 1 and 2 Enterprise sites.

- 26. Equality and Diversity Implications** – There are no equality and diversity implications directly arising from this report.

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

- 28. Health Implications** – There are no health implications directly arising from this report.

- 29. Sustainability Implications** - There are no sustainability implications directly arising from this report.

- 30. Area and Ward Implications** – There are no area and ward implications arising from this report.

31. **Background information** – Enterprise Zone Reports to the LEP and NECA Boards; the draft Legal agreement.

APPENDIX 2

List of Enterprise Zone Sites

Round 1 Enterprise Zone Sites

Local Authority	Enterprise Zone Site	Existing Funding Agreement to be replaced	New Funding Agreement
Newcastle	North Bank of Tyne	Yes	Yes
North Tyneside	North Bank of Tyne : Swans North Bank of Tyne : Port of Tyne site	Yes	Possibly Yes
Northumberland	Bates Commissioners Quay Dunn Cow East Sleekburn	Yes Yes Yes	Yes
Sunderland	A19 Corridor sites 1,2 and 3	Yes	

Round 2 Enterprise Zone Sites

Local Authority	Enterprise Zone Site	New Funding Agreement
Durham	Jade (originally Hawthorn)	Yes
Gateshead	Follingsby	Yes
Newcastle	North Bank of Tyne – Extension Newcastle International Airport	Yes Yes
Northumberland	Ashwood, Ashington Fairmoor, Morpeth Ramparts, Berwick	Yes Yes Yes
South Tyneside	Holborn Riverside – Phase 1 Holborn Riverside – Phase 1 IAMP (jointly with Sunderland)	Yes Yes Yes
Sunderland	Port of Sunderland IAMP (jointly with South Tyneside)	Yes Yes

APPENDIX 3

Draft Legal Agreement

Dated _____ **2017**

(1) The North East LEP

(2) The Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority

(3) The County Council of Durham

(4) Gateshead Metropolitan Borough Council

(5) The Council of the City of Newcastle upon Tyne

(6) The Council of the Borough of North Tyneside

(7) Northumberland County Council

(8) South Tyneside Metropolitan Borough Council

and

(9) The Council of the City of Sunderland

Business Rates Growth Income Pooling Agreement

This Agreement is dated

2017

Between

- (1) **The North East Local Enterprise Partnership** of 1 St James Gate, Newcastle upon Tyne, NE1 4AD ("**NELEP**")
- (2) **The Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority** of Quadrant, Cobalt Business Park, The Silverlink North, North Tyneside, NE27 0BY (the "**NECA**").
- (3) **The County Council of Durham** whose principal office is at County Hall, Durham, County Durham DH1 5UL ("**Durham**")
- (4) **Gateshead Metropolitan Borough Council** of Gateshead Council, 1st Floor, Civic Centre, Gateshead, NE8 1HH ("**Gateshead**")
- (5) **The Council of the City of Newcastle upon Tyne** of PO Box 690, Newcastle upon Tyne, NE1 8QH ("**Newcastle**")
- (6) **The Council of the Borough of North Tyneside** of Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY ("**North Tyneside**")
- (7) **Northumberland County Council** of County Hall, Morpeth, Northumberland, NE61 2EF ("**Northumberland**");
- (8) **South Tyneside Metropolitan Borough Council** of Town Hall and Civic Offices, Westoe Road, South Shields NE33 2RL ("**South Tyneside**")
- (9) **The Council of the City of Sunderland** of Civic centre, Burdon Road, Sunderland SR2 7DN ("**Sunderland**").

Background:

- (1) NECA is the accountable body for NELEP.
- (2) Various sites in the NELEP region are designated as Enterprise Zones. The focus of the Enterprise Zones is to develop difficult sites for commercial occupation and create additional jobs to help meet the North East Strategic Economic Plan ("**SEP**") objectives. The key focus of the Enterprise Zone sites is the creation of jobs in the NELEP region to help achieve the objectives in the SEP.
- (3) The infrastructure required for Round 1 Enterprise Zone sites is estimated to be around £64million, with infrastructure costs for Round 2 Enterprise Zone Sites estimated at around £90m. It is expected that most of the Round 1 costs yet to be incurred and all of the Round 2 infrastructure costs will be funded by internal or external borrowing by the constituent local authorities. It is expected that the Round 1 costs incurred prior to the date of this agreement will be funded by internal or external borrowing by NECA as the accountable body for the North East LEP. The annual cost of borrowing, whether undertaken by the local authorities or by NECA is to be met by payments funded from pooled BRGI.
- (4) Each of the Councils has agreed to pay all BRGI from the Zones within the boundary of each Council, to NECA on behalf of NELEP. The Pooled BRGI shall be utilised by

NELEP in accordance with the terms of this agreement which shall include, inter alia, funding Intervention Borrowing Costs. It is anticipated that Surplus Pooled BRGI shall be utilised to fund activity aimed at achieving the SEP objectives, as agreed by NELEP.

- (5) NELEP is responsible for the management of the Enterprise Zone finances. For the Round 1 Enterprise Zone sites NELEP has made funding available pursuant to certain of the Councils Existing Funding Agreements as detailed within this agreement. Any borrowing in respect of this funding shall be managed by NECA (on behalf of NELEP), however the risk of borrowing whether undertaken by NECA or the relevant Council should it elect to do so, shall remain with the relevant Council under the terms of this agreement and shall be repaid by the relevant Council in accordance with the terms of this agreement. with the Intervention Borrowing Costs arising from such repayment being paid to the relevant Council by NELEP in accordance with the terms of this agreement.
- (6) For the Round 2 Sites and the Round 2 IAMP Sites any borrowing required will be detailed within the Funding Agreement. The risk of borrowing, whether undertaken by the relevant Council or a Council Area Beneficiary, shall remain with the relevant Council and shall be repaid by the relevant Council in accordance with its terms provided that the Intervention Borrowing Costs arising from any such repayment shall be paid to the relevant Council or Council Area Beneficiary in accordance with the terms of the relevant Funding Agreement subject always to the terms of this agreement.
- (7) This agreement shall supersede the terms of the Existing BRGI Agreements.
- (8) The NELEP Board has consented to the entry into this agreement.

NOW IT IS HEREBY AGREED as follows:-

Interpretation

The following definitions and rules of interpretation apply in this agreement.

Definitions:

- | | |
|--|--|
| "Aggregate BRGI Payments" | means the total amount of BRGI paid to NELEP or NECA by a Council pursuant to the terms of this agreement; |
| "Aggregate Funded Intervention Costs Payments" | means the total amount of the payments made to a Council in respect of Approved Proposed Intervention Borrowing Costs and the Approved Final Intervention Borrowing Costs (without double counting) including, for the avoidance of doubt, the Existing Funding whether or not the same has been funded by BRGI receipts already paid; |
| "Anticipated Pooled BRGI" | means the Pooled BRGI projected by NELEP and NECA in the period from which the Anticipated Pooled BRGI is calculated to the Final Date; |
| "Applicant Council" | means a Council which has submitted a Business |

Case to NELEP for an Intervention;

"Approved Intervention Borrowing Costs" Proposed means the Proposed Intervention Borrowing Costs approved by NELEP and NECA in writing pursuant to the terms of this agreement and which, in respect of each Round 1 Council, for the purposes of this agreement, shall include Existing Funding Intervention Borrowing Costs;

"Approved Intervention Borrowing Costs Schedule" Proposed means a schedule detailing the payments to be made to the relevant Council or Council Area Beneficiary in specified amounts upon specified dates to meet the Approved Proposed Intervention Borrowing Costs a copy of which is to be attached to the Funding Agreement – Specific Terms;

"Approved Final Intervention Borrowing Costs" means the amount of the Final Intervention Borrowing Costs for an Intervention which are approved by NELEP and NECA in writing following submission of the Final Intervention Costs to NELEP and NECA pursuant to the terms of this agreement and which, in respect of each Round 1 Council, for the purposes of this agreement, shall include, Existing Funding Intervention Borrowing Costs;

"Approved Final Intervention Borrowing Costs Schedule" means a schedule detailing the payments to be made to the relevant Council or Council Area Beneficiary in specified amounts upon specified dates to meet the Approved Final Intervention Borrowing Costs;

"Approved Revenue Costs" means revenue costs in respect of an Intervention which are identified in the relevant Business Case and/or in the Funding Agreement Specific Terms and which have been approved in writing by NELEP,

"Balance Surplus Pooled BRGI" means, in the opinion of NELEP and NECA, the amount of the Surplus Pooled BRGI held by NELEP and/or NECA from time to time following the payment of all monies to be paid under clause 6.1 and clause 6.2 and taking into account the payments to be made and the BRGI likely to be received;

"Billing Authority" means the person or persons either:
(a) responsible for the collection of; and/or
(b) who are entitled to or will retain
the national non-domestic rates derived from the Zones;

"BRGI"	<p>means business rates growth income, being the aggregate of: -</p> <ul style="list-style-type: none"> (a) in respect of Round 1 Sites, the increase in Business Rates from the baseline for the Zones as recorded at 31 December 2011 and submitted to the Department for Communities and Local Government for the purpose of The Local Government Act 2012; (b) in respect of Round 2 Sites, the increase in Business Rates from the baseline for the Zones as recorded at 31 March 2016 and submitted to the Department for Communities and Local Government for the purpose of The Local Government Act 2012; (c) in respect of any other site which forms part of a Zone, the increase in Business Rates from the baseline for that Zone as recorded and submitted to the Department for Communities and Local Government for the purpose of The Local Government Act 2012 <p>in each case the relevant baseline being as detailed in the Specific Terms and being the "Increased Business Rates"; and</p> <ul style="list-style-type: none"> (d) any amounts received in lieu of or reimbursement of Increased Business Rates or otherwise received by way of grant payable to the relevant Council for revenue forgone as a result of relief granted from Business Rates, including but not limited to, grants for small business rates relief payable under s31 Local Government Act 2003;
"BRGI Payment Date"	means the 31 May in each year from the date of this agreement to 31 May;
"BRGI Period"	means each annual period commencing upon 1 April in each year to 31 March in the following year;
"BRGI Target"	means the target for BRGI for each Zone as determined by NECA (through the NECA Leadership Board);
"Business Case"	means a business case detailing the proposed Intervention in form and substance satisfactory to

	NELEP and shall include but not be limited to the Current Business Cases;
"Business Rates"	means national non-domestic business rates derived from the Zones within the boundary of such Council which can be retained by the Billing Authority and which are received by and/or are payable to the Billing Authority;
"Council"	means any of Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland (and 'Councils' means more than one of them);
"Council Area Beneficiary"	means, in respect of each Council, a party or parties (not being the Council) undertaking an Intervention situated on a Zone within that Council's local area and in the case of: <ul style="list-style-type: none"> (a) North Tyneside shall include Kier Property Development Limited; and (b) Sunderland shall include Vantec Europe Limited;
"Deficit Amount"	means the amount by which the Aggregate Funded Intervention Costs paid to a Deficit Council exceeds the Aggregate BRGI Payments received from that Council;
"Deficit Council"	means a Council whose Aggregate Funded Intervention Costs paid to that Council exceed the Aggregate BRGI Payments received from that Council;
"Deficit Share"	means such percentage share of the Overall Deficit that is equal to the relevant Deficit Council's Deficit Amount as against the aggregate total of each Deficit Council's Deficit Amount;
"Existing BRGI Agreements"	means: - <ul style="list-style-type: none"> (a) in respect of Newcastle, <ul style="list-style-type: none"> (i) the provisions of clause 3.7 and clause 7 of the funding agreement made between (1) NECA and (2) Newcastle dated 31 March 2016; (b) in respect of North Tyneside: <ul style="list-style-type: none"> (i) the provisions of clause 3.7 and 8 of the funding agreement made between (1) NECA and (2) North

Tyneside dated 17 July 2014;

- (ii) the business rates agreement made between (1) Sunderland (as the then accountable body for NELEP) and (2) North Tyneside dated 17 July 2014;
- (iii) the provisions of clause 3.7 and 8 of the funding agreement made between (1) NECA and (2) North Tyneside dated 27 March 2015;
- (iv) the letter from North Tyneside to NECA dated March 2015;
- (v) the grant offer letter and funding agreement made between (1) NECA and (2) Kier Property Development Limited dated 31 March 2015

(c) in the case of Northumberland:

- (i) the business rates agreement made between (1) Sunderland (as the then accountable body for NELEP) and (2) Northumberland dated 25 February 2014;
- (ii) the provisions of clause 7.1 of the funding agreement made between (1) Sunderland (as the then accountable body for NELEP) and (2) Northumberland dated 20 February 2014
- (iii) the provisions of clause 7.1 of the funding agreement made between (1) Sunderland (as the then accountable body for NELEP) (2) NECA and (3) Northumberland dated 20 October 2014;
- (iv) the provisions of clause 7.1 of the funding agreement made between (1) NECA and (2) Northumberland dated 9 October 2015; and
- (v) the letter from Northumberland to NECA and Sunderland (as the then accountable body for NELEP) dated 15 May 2015.

(d) in the case of Sunderland: -

- (i) the provisions of clause 7.1 of the funding agreement made between (1) NECA (as the accountable body for NELEP) and (2) Sunderland dated [20 October 2014;
- (ii) the provisions of the amendment to the funding agreement made between (1) NECA (as the accountable body for NELEP) and (2) Sunderland dated 29 march 2016
- (iii) the grant offer letter dated 27 March 2015 and funding agreement dated 31 March 2015 made between (1) NECA (as the accountable body for NELEP) and (2) Vantec Europe Limited;

"Existing Funding"

means: -

- (a) in respect of Newcastle, £1,648,000, being the amount made available under the terms of the funding agreement made between (1) NECA and (2) Newcastle dated 31 March 2016;
- (b) in respect of North Tyneside:
 - (i) £3,780,445, being the amount made available under the terms of the funding agreement made between (1) NECA and (2) North Tyneside dated 17 July2014;
 - (ii) £2,100,000, being the amount made available under the terms of the funding agreement made between (1) NECA and (2) North Tyneside dated 27 March 2015;
 - (iii) £1,899,509, being the amount made available under the terms of the funding agreement made between (1) NECA and (2) Kier dated xxx
- (c) in the case of Northumberland:
 - (i) £3,799,237, being the amount made available under the terms of the funding agreement made

between (1) Sunderland (as the then accountable body for NELEP) and (2) Northumberland dated 20 February 2014;

(ii) £600,000, being the amount made available under the terms of the funding agreement made between (1) Sunderland (as the then accountable body for NELEP) (2) NECA and (3) Northumberland dated 20 October 2014;

(iii) £xxx, being the amount made available under the terms of the funding agreement made between (1) NECA and (2) Northumberland dated 9 October 2015; and

(d) in the case of Sunderland: -

(i) £4,000,000, being the amount made available under the terms of the funding agreement made between (1) NECA and (2) Sunderland dated 20 October 2014;

(ii) £3,894,807 being the amount made available under the terms of the amended funding agreement made between (1) NECA and (2) Sunderland dated 29 March 2016;

(iii) the provisions of clause 7.1 of the funding agreement made between (1) NECA (as the accountable body for NELEP) and (2) Vantec Europe Limited dated 31 March 2015;

"Existing Agreements"

Funding means: -

(a) in respect of Newcastle, the funding agreement made between (1) NECA and (2) Newcastle dated 31 March 2016;

(b) in respect of North Tyneside:

(i) the funding agreement made between (1) NECA and (2) North Tyneside dated 17 July 2014;

(ii) the funding agreement made between (1) NECA and (2) North

Tyneside dated 27 March 2015;

(iii) the funding agreement made between (1) NECA and (2) Kier dated xxx

(c) in the case of Northumberland:

(i) the funding agreement made between (1) Sunderland (as the then accountable body for NELEP) and (2) Northumberland dated 20 February 2014

(ii) the funding agreement made between (1) Sunderland (as the then accountable body for NELEP) (2) NECA and (3) Northumberland dated 20 October 2014;

(iii) the funding agreement made between (1) NECA and (2) Northumberland dated 9 October 2015; and

(d) in the case of Sunderland: -

(i) the funding agreement made between (1) NECA (as the accountable body for NELEP) and (2) Northumberland dated 20 October 2014

(ii) the amended funding agreement made between (1) NECA (as the accountable body for NELEP) and (2) Sunderland dated 29 March 2016

(iii) the funding agreement made between (1) NECA (as the accountable body for NELEP) and (2) Vantec Europe Limited dated 31 March 2015;

"Existing Funding Intervention means:
Borrowing Cost"

(a) the costs to the relevant Round 1 Council of repaying the Existing Funding which is to be repaid by the relevant Round 1 Council pursuant to the terms of this agreement which shall include interest and capital as approved by NECA and NELEP in writing; and/or

		(b) the costs to NECA of undertaking internal and/or external borrowing to refinance the Existing Funding made available to the relevant Round 1 Council or that Round 1 Council's Council Area Beneficiary pursuant to the terms of this agreement; and/or
		(c) to the extent that the Existing Funding has not been repaid by the relevant Round 1 Council and/or refinanced by NECA by way of undertaking internal and/or external borrowing pursuant to the terms of this agreement, an amount equal to the Existing Funding paid to that Round 1 Council or that Round 1 Council's Council Area Beneficiary;
"Final Date"		means 31 March 2043;
"Final Intervention Borrowing Costs"		means, following completion of an Intervention, the total amount of the Intervention Borrowing Cost;
"Final Reconciliation Statement"		means a statement as at the Final Date detailing the Aggregate BRGI Payments received from each Council and the Aggregate Funded Intervention Costs Payments paid to that Council and confirming: <ul style="list-style-type: none"> (a) those Councils where the Aggregate Funded Intervention Costs are in excess of the Aggregate BRGI Payments and the amount of such excess; and (b) those Councils to which a performance Reward incentive has or will be paid;
"Funding Agreement"		means an agreement which shall comprise the Funding Agreement Specific Terms and the Funding Agreement Standard Terms and which shall include a Proposed Intervention Borrowing Costs Schedule;
"Funding Agreement Specific Terms"		means the specific terms detailing, inter alia, the terms upon which NELEP and/or NECA shall make funds available to the relevant Council to meet the Intervention Borrowing Costs in respect of an Intervention which shall be on substantially the terms set out in Schedule 1 to this agreement;
"Funding Agreement Standard Terms"		means the standard terms detailing, inter alia, the terms upon which NELEP and/or NECA shall make funds available to the relevant Council to

meet the Intervention Borrowing Costs which shall be on substantially the terms set out in Schedule 2 to this agreement;

"Internal Intervention Borrowing Costs"	means the amount made available by the Council or Council Area Beneficiary in respect of the Intervention together with an amount equal to the interest and / or fees which would have accrued upon such amount if the Council or Council Area Beneficiary had borrowed such funds upon terms, including but not limited to the length of the loan term approved by NELEP;
"Intervention"	means a project or number of projects being undertaken or to be undertaken by a Council or, where appropriate, by a Council Area Beneficiary, on a Zone within that Council's local area;
"Intervention Approval Date"	means the date upon which the Intervention is approved by NELEP and for which NELEP has agreed to fund the Intervention Borrowing Costs;
"Intervention Borrowing Costs"	means the sum equivalent to the costs to the Council or Council Area Beneficiary of repaying the monies made available to it to fund the Intervention, which shall include interest and capital amounts to be repaid, and in the case of the Round 1 Councils in respect of the Round 1 Sites, the Existing Funding Intervention Borrowing Costs;
"Intervention Completion Date"	in respect of each Approved Intervention, has the meaning given to it in the Funding Agreement Specific Terms applicable to that Approved Intervention;
"Intervention Documents"	in respect of each Approved Intervention, has the meaning given to it in the Funding Agreement Specific Terms applicable to that Approved Intervention;
"Intervention Funding"	means details of how the Intervention Borrowing Costs are to be funded including details of the source of funding, or if funds are being made available by the Council, confirmation that this is the case;
"LGF"	means the Local Growth Fund (LGF) Programme;
"NECA Leadership Board"	means strategic decision-making body of NECA;
"NELEP"	means the North East Local Enterprise Partnership, and to the extent legally necessary, NECA, as its accountable body;

"Overall Deficit"		means the amount by which the Aggregate Funded Intervention Costs paid to each Council exceed the Aggregate BRGI Payments received from each Council;
"Performance Incentive"	Reward	means the performance reward incentive scheme with reference to the BRGI Target, the terms of which are documented in Schedule 3 as such scheme is updated or amended from time to time;
"Pooled BRGI"		means the BRGI received by NELEP or NECA pursuant to the terms of this agreement and which is held by either of them from time to time;
"Proposed Borrowing Costs"	Intervention	means the anticipated Intervention Borrowing Costs;
"Round 1"		the first round of funding made available across Enterprise Zones at the Round 1 Sites from 2012;
"Round 1 Councils"		means each of Newcastle, Northumberland, North Tyneside and Sunderland;
"Round 1 Date"		means 31 March 2037;
"Round 1 Reconciliation Statement"	Reconciliation	a statement as at the Round 1 Date detailing the Aggregate BRGI Payments received from each Council and the Aggregate Funded Intervention Costs Payments paid to that Council and confirming those Councils where the Aggregate Funded Intervention Costs are in excess of the Aggregate BRGI Payments and the amount of such excess;
"Round 1 Sites"		<ul style="list-style-type: none"> (a) in the case of Newcastle: <ul style="list-style-type: none"> (i) Neptune. (b) in the case of North Tyneside: <ul style="list-style-type: none"> (i) Swan Hunter; (ii) Port of Tyne (c) In the case of Northumberland: <ul style="list-style-type: none"> (i) Dun Cow Quay; (ii) Commissioners Quay; (iii) East Sleekburn and Wimbourne Quay; and

	(iv) Bates;
	(d) In the case of Sunderland, the A19 Corridor, Phases 1, 2 and 3,
	as more particularly defined on the plans annexed to this agreement at Annexure 1;
"Round 2"	means the second round of funding made available across Enterprise Zones at the Round 2 Sites from 2017;
"Round 2 Councils"	means each of Durham, Gateshead, Newcastle, Northumberland, South Tyneside and Sunderland;
"Round 2 Date"	means 31 March 2042;
"Round 2 IAMP Site"	means the International Advanced Manufacturing Park as more particularly defined on the plan annexed to this agreement at Annexure 3;
"Round 2 Sites"	<p>(a) In the case of Durham, Jade Business Park (formerly Hawthorne Prestige Business Park);</p> <p>(b) In the case of Gateshead, Follingsby Business Park, Gateshead;</p> <p>(c) In the case of Newcastle,</p> <p style="padding-left: 40px;">(i) Newcastle International Airport Business Park, Newcastle;</p> <p style="padding-left: 40px;">(ii) North Bank of the Tyne extension;</p> <p>(d) In the case of Northumberland:</p> <p style="padding-left: 40px;">(i) Ramparts Business Park, Berwick;</p> <p style="padding-left: 40px;">(ii) Fairmoor, Morpeth;</p> <p style="padding-left: 40px;">(iii) Ashwood Business Park, Ashington;</p> <p>(e) In the case of Sunderland</p> <p style="padding-left: 40px;">(i) Port of Sunderland, Sunderland;</p> <p>(f) In the case of South Tyneside, Holborn Riverside, Phase 1 and 2, South Shields.</p> <p>as more particularly defined on the plans annexed to this agreement at Annexure 2 and, for</p>

	the avoidance of doubt, excluding the Round 2 IAMP Site;
"Surplus Payment"	means the amount by which the Approved Proposed Intervention Borrowing Costs received by the relevant Council exceeds the Approved Final Intervention Borrowing Costs;
"Surplus Pooled BRGI"	means, in the opinion of NELEP and NECA, the amount of the Pooled BRGI held by NELEP and/or NECA from time to time following the payment of all monies to be paid under clause 6.1 and taking into account the payments to be made and the BRGI likely to be received;
"Surplus Anticipated Pooled BRGI"	means in the opinion of NELEP and NECA, the Anticipated Pooled BRGI taking into account all payments to be made under the terms of this agreement;
"Total Commitment"	in respect of each Approved Intervention, has the meaning given to it in the Funding Agreement Specific Terms applicable to that Approved Intervention;
"Zones"	means all sites designated as enterprise zones from time to time by NELEP within the North East Local Enterprise Partnership area within the boundary of each Council (or any successor body to each Council) which shall include but not be limited to the Round 1 Sites, the Round 2 Sites and the Round 2 IAMP Site.

Clause headings shall not affect the interpretation of this agreement.

The Schedules and Annexures form part of this agreement and shall have effect as if set out in full in the body of this agreement. Any reference to this agreement includes the Schedules and Annexures.

Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular and a reference to one gender shall include a reference to the other genders.

Any words following the terms "including", "include" or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.

Any reference in this agreement to:

"writing" or "written" includes fax but not e-mail

"person" includes a natural person, corporate or unincorporated body (whether or not having separate legal personality) and a reference to any person shall include that party's successors, assigns and transferees

any condition, sub-condition, paragraph, schedule, appendix or section heading is, except where it is expressly stated to the contrary, a reference to such condition, sub-condition, paragraph, schedule, appendix or section heading of this agreement.

this agreement or to any other document shall include (except where expressly stated otherwise) any variation, amendment or supplement to such document to the extent that such variation, amendment or supplement is not prohibited under the terms of this agreement.

any enactment, order, regulation or similar instrument shall (except where expressly stated otherwise) be construed as a reference to the enactment, order, regulation or instrument (including any EU instrument) as amended, replaced, consolidated or re-enacted.

BRGI Pooling

Each of the Round 1 Councils severally covenant to pay (or, in the case of any Council, where the relevant Billing Authority is not that Council in any area, that Council shall procure the payment by the relevant Billing Authority of) an amount equal to the BRGI received by it from the Round 1 Sites in each BRGI Period to NECA on behalf of NELEP on each BRGI Payment Date occurring in the period to the Round 1 Date.

Each of the Round 2 Councils severally covenant to pay (or, in the case of any Council, where the relevant Billing Authority is not that Council in any area, that Council shall procure the payment by the relevant Billing Authority of) an amount equal to the BRGI received by it from the Round 2 Sites in each BRGI Period to NECA on behalf of NELEP on each BRGI Payment Date occurring in the period to the Round 2 Date.

Each of South Tyneside and Sunderland severally covenant to pay (or, in the case of any Council, where the relevant Billing Authority is not that Council in any area, that Council shall procure the payment by the relevant Billing Authority of) an amount equal to the BRGI received by it from the Round 2 IAMP Site in each BRGI Period to NECA on behalf of NELEP on each BRGI Payment Date occurring in the period to the Final Date.

Where any BRGI is owing in any BRGI Period but is not received by the BRGI Payment Date it shall be deemed to be a ("**Late Receipt BRGI**") and the relevant Council shall pay, (or, where the relevant Billing Authority is not the Council in any area, shall procure the payment by the Relevant Billing Authority of) an amount equal to Late Receipt BRGI within 30 days of receipt of a notice that there is a Late Receipt BRGI..

If any Council fails to make a payment due to NECA on behalf of NELEP under this agreement by the BRGI Payment Date, then the relevant Council shall pay interest on the overdue sum from the due date until payment of the overdue sum, whether before or after judgment. Interest under this clause will accrue each day at 2% a year above the Bank of England's base rate from time to time, but at 2% a year for any period when that base rate is below 0%.

New Interventions

Where a new Intervention is proposed the Applicant Council will submit a Business Case to NELEP which NELEP shall evaluate and submit to the NELEP Board and the NECA Leadership Board for approval.

If the Business Case is approved by both the NELEP Board and the NECA Leadership Board, a Funding Agreement will be produced and, subject to agreement of the same, shall be executed by the parties thereto. The Funding Agreement shall contain a schedule of Approved Proposed Intervention Borrowing Costs.

Subject to clause 5, it is acknowledged by each Council that NECA and/or NELEP may enter into a Funding Agreement in respect of an Intervention with a Council Area Beneficiary.

Existing Funding Agreements

Each of the Round 1 Councils severally agrees that:

the Existing Funding (to the extent that it has not been funded by BRGI receipts already paid) will be refinanced if this becomes necessary as determined by NECA as the accountable body for NELEP, either by:

- 4.1.1.1 NECA undertaking internal and/or external borrowing in relation to the funding provided under the Existing Funding Agreements; or
- 4.1.1.2 the Council electing to repay to NECA on behalf of NELEP an amount equal to the Existing Funding (less any BRGI already paid and used to pay for the Existing Funding) paid to it under the Existing Funding Agreements through borrowing or use of that Council's own reserves,

provided that each Round 1 Council acknowledges that:

- 4.1.1.3 where any Existing Funding is not refinanced in accordance with the provisions of this clause 0.2an amount equal to the Existing Funding paid to that Round 1 Council or a Council Area Beneficiary will form part of the Existing Funding Borrowing Costs; and
- 4.1.1.4 Existing Funding Borrowing Costs will form part of the Approved Proposed Intervention Borrowing Costs and the Approved Final Intervention Borrowing Costs for the purposes of this agreement.

4.2 Each Round 1 Council hereby confirms that no further funds may be drawn under the terms of the Existing Funding Agreements.

5 Council and Council Area Beneficiary Borrowing

5.1 Each Council agrees that Intervention Borrowing Costs shall be funded by way of:

- 5.1.1 borrowing by the Council;
- 5.1.2 Council use of internal reserves;
- 5.1.3 third party funding / borrowing;
- 5.1.4 NECA / NELEP undertaking borrowing where permitted; or
- 5.1.5 a combination of the above.

Each Council also acknowledges that, subject to clause 5.2 where NELEP or NECA borrow funding for an Intervention and make the same available to a Council or Council Area Beneficiary for the purposes of an Intervention any such amounts shall form part of the Intervention Borrowing Costs of the Council in whose local area the relevant Intervention is situated for the purposes of this agreement.

- 5.2 Provided that the relevant Council is a party to the Funding Agreement or has otherwise provided its consent in writing to the relevant Approved Proposed Intervention Borrowing Costs Schedule in respect of the Intervention, and the Funding Agreement is entered into with a Council Area Beneficiary, the Council in whose local area the Intervention is being undertaken by that Council Area Beneficiary, shall be ultimately responsible for the funding made available under such Funding Agreement including, without limitation, all interest thereon, and such funding shall form part of the Approved Proposed Intervention Borrowing Costs and the Approved Final Intervention Borrowing Costs in respect of that Council for the purposes of this agreement.
- 5.3 It is acknowledged that a risk sharing agreement may be entered into between the relevant Council and the relevant Council Area Beneficiary in relation to the risk of the funding provided that the contents of such agreement or any other arrangement between the Council and the relevant Council Area Beneficiary shall not affect the rights of NECA and NELEP against the relevant Council under this agreement or the relevant Council Area Beneficiary in respect of the Funding Agreement
- 5.4 Each Applicant Council shall confirm, or where the Intervention is being undertaken by a Council Area Beneficiary shall procure that such Council Area Beneficiary shall confirm, the proposed source of Intervention Funding to NELEP and NECA as soon as reasonably practicable following the Intervention Approval Date and prior to completion of Funding Agreement, NELEP and NECA shall approve the Proposed Intervention Borrowing Costs.
- 5.5 Upon the earlier of (i) completion of the Intervention in accordance with the Intervention Documents or (ii) the Intervention Completion Date, the relevant Council shall or where the Intervention is being undertaken by a Council Area Beneficiary shall procure that such Council Area Beneficiary party shall provide, a schedule of the Final Intervention Borrowing Costs for approval by NELEP and NECA. If the schedule is approved by NELEP and NECA the schedule shall be deemed to be the Approved Final Intervention Borrowing Costs Schedule. If the schedule is not provided when due or is not approved by NELEP and NECA the Council or, where the Intervention is being undertaken by a Council Area Beneficiary, the Council shall procure that such Council Area Beneficiary, and NELEP and NECA shall, at the request of either the Council, or NELEP or NECA negotiate in good faith with a view to agreeing an amended Approved Final Intervention Borrowing Costs Schedule provided that if no such agreed revised Approved Final Intervention Costs Schedule is reached within 30 days of such request, NELEP and/or NECA may issue a revised Approved Final Intervention Borrowing Costs Schedule which, once received by the relevant Council or Council Area Beneficiary shall be the Approved Final Intervention Borrowing Costs Schedule for the purposes of this agreement and the Funding Agreement.
- 5.6 Each Council acknowledges that:
 - 5.6.1 following such time as the Approved Final Intervention Borrowing Costs Schedule is received by the relevant Council or Council Area Beneficiary no further payments shall be made under any Approved Proposed

Intervention Borrowing Costs Schedule in respect of the same Intervention and the terms of the Approved Final Intervention Borrowing Costs Schedule shall supersede each existing Approved Proposed Intervention Borrowing Costs Schedule;

- 5.6.2 the Approved Final Intervention Borrowing Costs shall not exceed the Total Commitment;
 - 5.6.3 in the event of any failure by a Council to comply with the provisions of this agreement, NELEP and NECA shall not be obliged to make any payment to that Council or Council Area Beneficiary undertaking the Intervention under the terms of any Funding Agreement;
 - 5.6.4 in the event of any Event of Default (as defined in the Funding Agreement) under a Funding Agreement, the relevant Council or, where the Intervention is being undertaken by a Council Area Beneficiary, the Council shall procure that such Council Area Beneficiary, and NELEP and NECA shall, at the request of either NELEP or NECA negotiate in good faith with a view to agreeing an amended Approved Proposed Intervention Borrowing Costs Schedule to reflect the revised funding requirements of the Intervention Borrowing Costs, provided that if no such agreed revised Approved Proposed Intervention Costs Schedule is reached within 30 days of NELEP and/or NECA's request, NELEP and/or NECA may issue a revised Approved Proposed Intervention Borrowing Costs Schedule reflecting the revised funding requirements of the Intervention Borrowing Costs which, once received by the relevant Council or Council Area Beneficiary shall replace the existing Approved Proposed Intervention Borrowing Costs Schedule and shall be the Approved Proposed Intervention Borrowing Costs Schedule for the purposes of this agreement and the Funding Agreement.
- 5.7 In accordance with the terms of the Funding Agreement, where any Council has received payments in respect of the Approved Proposed Intervention Borrowing Costs in respect of any Intervention and the Approved Final Intervention Borrowing Costs in respect of that Intervention are less than the Approved Proposed Intervention Borrowing Costs that Council shall repay the Surplus Payment to NELEP or, if requested by NELEP to NECA, within 20 Business Days of the circulation of the Approved Final Intervention Borrowing Costs Schedule.
- 5.8 If any Council fails to make a payment due to NECA on behalf of NELEP under the provisions of clause 5.7 of this agreement by the due date, then the relevant Council shall pay interest on the overdue sum from the due date until payment of the overdue sum, whether before or after judgment. Interest under this clause will accrue each day at 2% a year above the Bank of England's base rate from time to time, but at 2% a year for any period when that base rate is below 0%.

6 Utilisation of Pooled BRGI

- 6.1 It is agreed between the Councils, NELEP and NECA that the Pooled BRGI shall be held by NECA or by such other person as NELEP and NECA shall agree and shall be utilised as follows: -
 - 6.1.1 firstly, to fund Approved Revenue Costs;

- 6.1.2 secondly, to the extent that all Approved Revenue Costs have been paid, to make payment of monies due to each Council, to the extent an Intervention is not completed, under Approved Proposed Intervention Borrowing Costs Schedules and, following completion of an Intervention, under Approved Final Intervention Borrowing Costs Schedules.
- 6.2 It is agreed between the Councils, NELEP and NECA that the Surplus Pooled BRGI shall be utilised as follows:
- 6.2.1 firstly, to satisfy monies required to make payments in respect of the Performance Reward Incentive;
- 6.2.2 secondly, to the extent that the payments due under clause 6.2.1 have been made, a sum of up to £500,000 per [*financial year*] shall be retained by NELEP to meet its operational costs. Such retention shall only be made where NELEP reasonably believes that there is and will continue to be sufficient Surplus Pooled BRGI to meet all payments due under clause 6.2.1 in that financial year; and
- 6.2.3 thirdly to repay £ allocated by the NEIF to fund the North Bank of Tyne Wet Berth investment previously approved by the North East LEP on xxx
- 6.3 It is agreed between the Councils, NELEP and NECA that the Balance Surplus Pooled BRGI shall be utilised as NELEP shall determine following consultation with the Councils.

7 BRGI Deficit

- 7.1 It is acknowledged and agreed by each Council, that each Council shall be ultimately responsible for all borrowing undertaken by it and on its behalf and notwithstanding any other provision of this agreement, NELEP and/or NECA shall only be obliged to make a payment to any Council or any Council Area Beneficiary under the terms of this agreement or any Funding Agreement to the extent that such payments can be met from Pooled BRGI, or, where payments cannot be met from Pooled BRGI, at the discretion of NELEP and NECA can be met from unrestricted funds held by NELEP and/or NECA in an amount of no more than an amount equal to Anticipated Pooled BRGI.
- 7.2 As soon as reasonably practicable following the Round 1 Date, NELEP and/or NECA shall prepare the Round 1 Reconciliation Statement and shall send a copy of the Round 1 Reconciliation Statement to each Council.
- 7.3 As soon as reasonably practicable following the Final Date, NELEP and/or NECA shall prepare the Final Reconciliation Statement and shall send a copy of the Final Reconciliation Statement to each Council.
- 7.4 Where, at the Final Date, the Aggregate Funded Intervention Costs paid to each Council exceed the Aggregate BRGI Payments received from each Council, each Deficit Council shall pay to NECA (on behalf of the NELEP) an amount equal to its Deficit Share.
- 7.5 The Deficit Share payable in accordance with clause 7.4 shall be treated as Pooled BRGI and shall be paid to each Council which is not a Deficit Council in respect of Approved Final Intervention Borrowing Costs which are either yet to be paid or which

have been paid by that Council and not met by NELEP and/or NECA in accordance with the terms of this agreement and the relevant Funding Agreements.

8 Projected BRGI Review and Monitoring.

8.1 As soon as reasonably practicable following each BRGI Payment Date, NELEP and NECA shall provide a statement to the each of the Councils confirming: -

- 8.1.1 the aggregate of the BRGI Payments received in that BRGI Period;
- 8.1.2 the amount of the Pooled BRGI and an estimate of the Surplus BRGI and the Balance Surplus BRGI at that date; and
- 8.1.3 the projected BRGI Payments for the following BRGI Periods on the basis that the level of projected BRGI Payments shall be reviewed by NELEP and NECA at least once in each 3 year period.

9 Representations and Warranties

9.1 Each Council represents and warrants on behalf of itself only:

- 9.1.1 it is the person entitled to collect the Business Rates derived from the Zones in its area;
- 9.1.2 it has approved the payment of all BRGI accruing from the relevant Zones until the relevant date to be paid to the NELEP in accordance with the terms of this agreement;
- 9.1.3 its payment obligations under this agreement shall rank and will always rank at least equally and rateably in all respects with all its other unsecured and unsubordinated indebtedness other than indebtedness preferred by operation of law in the event of its insolvency;
- 9.1.4 it is a statutory corporation duly incorporated under the laws of England and Wales (including, without limitation, the Local Government Act 1972) and has statutory power (which it has duly exercised) and has the corporate power to own its assets and to carry on the business which it conducts or proposes to conduct;
- 9.1.5 it:
 - (a) has the power to enter into and to exercise its rights and perform its obligations under this agreement; and
 - (b) has taken all necessary action to authorise the execution by it of and the performance by it of its obligations under this agreement;
- 9.1.6 its obligations under this agreement constitute its legal, valid and binding obligations, enforceable in accordance with its terms;
- 9.1.7 the execution, delivery and performance by it of this agreement do not:
 - (a) insofar as it is aware contravene any applicable law or directive or any judgment, order or decree of any court having jurisdiction over it;

(b) conflict with, or result in any breach of any of the terms of, or constitute a default under, any agreement or other instrument to which it is a party or any licence or other authorisation to which it is subject or by which it or any of its property is bound; or

(c) contravene or conflict with its constitutional documents;

9.1.8 all consents, required by it in connection with the execution, delivery, issue, validity or enforceability of this agreement have been obtained and have not been withdrawn;

10 Covenants

10.1 Each Council severally covenants with NELEP and NECA that it shall:-

10.1.1 use all reasonable endeavours to minimise the cost of external borrowing in respect of any Intervention by using temporary grant funding where this is possible and by investigating ways of reducing interest costs;

10.1.2 comply with the terms and conditions applicable to any Intervention Funding and each Funding Agreement to which it is a party;

10.1.3 not create any Encumbrance enter into any agreements with any person in respect of its rights as Billing Authority to receive the Business Rates in respect of the Zones or to assign or transfer any right to receive the same;

10.1.4 notify NELEP and NECA immediately where there is or has been:

(a) any change in its financial circumstances which has or might have a material adverse effect upon the ability of the Council to perform and comply with its obligations under this agreement and each Funding Agreement to which it is a party; and

(b) an anticipated reduction BRGI from that notified to NELEP and NECA of more than 5% in respect of each itemised amount.

11 Reporting

11.1 Each Council shall:

11.1.1 comply with the terms of all reporting obligations in each Funding Agreement to which it is a party; and

11.1.2 provide confirmation in writing to NELEP and NECA (in form and substance required by and acceptable to NELEP and NECA) following the end of each BRGI Period in which it is obliged to pay BRGI to NELEP under this agreement and prior to 30 April in that year details of the BRGI to be paid to NELEP in that BRGI Period a forecast for the likely BRGI to be paid to NELEP in the next BRGI Period agreement.

12 Existing BRGI Agreements

From the date of this agreement, this agreement shall supersede the provisions of each of the Existing BRGI Agreements.

13 Miscellaneous

- 13.1 In the event of any conflict between the terms of this agreement and the terms of a Funding Agreement the terms of this agreement shall prevail.
- 13.2 Each Council shall procure that all payments to be made to NELEP and/or NECA by it or BRGI shall be paid in Pounds Sterling in immediately available cleared funds to NELEP and/or NECA into such bank account as NELEP and/or NECA shall notify to the relevant Council from time to time.
- 13.3 Each Council shall procure that all payments it makes (or which it is obliged to procure) under or in connection with this agreement shall be made without set-off or counterclaim, free and clear of and without any deduction or withholding, including, without limitation, for or on account of all taxes except for taxes which must be deducted by law.

14 Costs

Each party shall pay its own costs in connection with the negotiation, preparation, and execution of this agreement, and all documents ancillary to it.

15 Successor and Assignees

- 15.1 NELEP may assign, transfer or subcontract any or all of its rights and obligations under this agreement to any successor or successors and each of the NECA and each Council shall enter into such documentation as is required by NELEP to effect such assignment, transfer or subcontract.
- 15.2 NECA may assign, transfer or subcontract any or all of its rights and obligations under this agreement to any successor or successors and each of the NECA and each Council shall enter into such documentation as is required by NELEP to effect such assignment, transfer or subcontract.
- 15.3 None of the Councils shall assign, transfer or subcontract any or all of their rights and obligations under this agreement to any person without the prior written consent of NELEP and NECA.
- 15.4 Each Council shall procure that if it ceases to be a Billing Authority in respect of the Zones in their area that the succeeding Billing Authority shall adhere to the terms of this agreement by way of a deed of adherence in form and substance satisfactory to NELEP and NECA.

16 Termination

This agreement may not be terminated by any Council without the prior written consent of NELEP and NECA.

17 Variation and Waiver

- 17.1 No variation of this agreement shall be effective unless it is in writing and signed by the parties (or their authorised representatives).
- 17.2 No failure or delay by a party to exercise any right or remedy provided under this agreement or by law shall constitute a waiver of that or any other right or remedy, nor shall it prevent or restrict the further exercise of that or any other right or remedy. No

single or partial exercise of such right or remedy shall prevent or restrict the further exercise of that or any other right or remedy.

18 Severance

If any provision or part-provision of this agreement is or becomes invalid, illegal or unenforceable, it shall be deemed modified to the minimum extent necessary to make it valid, legal and enforceable. If such modification is not possible, the relevant provision or part-provision shall be deemed deleted. Any modification to or deletion of a provision or part-provision under this clause shall not affect the validity and enforceability of the rest of this agreement. If any provision or part-provision of this agreement is invalid, illegal or unenforceable, the parties shall negotiate in good faith to amend such provision so that, as amended, it is legal, valid and enforceable, and, to the greatest extent possible, achieves the intended commercial result of the original provision.

19 No partnership or agency

Nothing in this agreement is intended to, or shall be deemed to, establish any partnership or joint venture between any of the parties, constitute any party the agent of another party, or authorise any party to make or enter into any commitments for or on behalf of any other party.

20 Further assurance

Each Council shall, and shall use all reasonable endeavours to procure that any necessary third party shall, promptly execute and deliver such documents and perform such acts as may be required for the purpose of giving full effect to this agreement.

21 Notices

21.1 Any notice or other communication given to a party under or in connection with this agreement shall be in writing and shall be delivered by hand or by pre-paid first-class post or other next working day delivery service to the address detailed on page 1 of this agreement or such other address as either party shall notify the other in writing; or

21.2 Any notice or communication shall be deemed to have been received:

21.2.1 if delivered by hand, on signature of a delivery receipt or at the time the notice is left at the proper address;

21.2.2 if sent by pre-paid first-class post or other next working day delivery service, at 9.00 am on the second Business Day after posting or at the time recorded by the delivery service.

22 Counterparts

This agreement may be executed in any number of counterparts, each of which when executed shall constitute a duplicate original, but all the counterparts shall together constitute the one agreement.

23 Third party rights

Except in the case of NELEP who shall have the right to enforce the terms of this agreement, a person who is not a party to this agreement shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this agreement.

24 Governing law and Jurisdiction

This agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales. Each party irrevocably agrees that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim arising out of or in connection with this agreement or its subject matter or formation (including non-contractual disputes or claims).

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

NELEP

[NELEP Execution Clause]

NECA

The Common Seal of)
The Durham, Gateshead, Newcastle)
upon Tyne, North Tyneside,)
Northumberland, South Tyneside)
and Sunderland Combined Authority)
was hereunto affixed in the presence of:)

Authorised Signatory

DURHAM

The Seal of)
The County Council of Durham)
was hereunto affixed in the presence of:)

Authorised Signatory

GATESHEAD

The Seal of)
Gateshead Metropolitan Borough)
Council)
was hereunto affixed in the presence of:)

Authorised Signatory

NEWCASTLE

The Common Seal of)
The Council of the City of)
Newcastle upon Tyne)
was hereunto affixed in the presence of:)

Authorised Signatory

NORTH TYNESIDE

Executed as a Deed by affixing the)
common seal of)
the Council of the Borough of)
North Tyneside)
)

Authorised Signatory

NORTHUMBERLAND

The Seal of)
Northumberland County Council)
was hereunto affixed in the presence of:)

Authorised Signatory

SOUTH TYNESIDE

The Seal of)
South Tyneside Metropolitan Borough)
Council)
was hereunto affixed in the presence of:)

Authorised Signatory

SUNDERLAND

The Seal of)
The Council of the City of Sunderland)
was hereunto affixed in the presence of:)

Authorised Signatory

SCHEDULE 1 - Funding Agreement – Specific Terms

SCHEDULE 2 - Funding Agreement – Standard Terms

SCHEDULE 3 – Performance Reward Incentive

Annexure 1

Annexure 2

Annexure 3

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TITLE OF REPORT: Responses to Consultation

REPORT OF: Sheena Ramsey, Chief Executive

Purpose of the Report

1. To endorse the responses to the following consultations:
 - Disqualification criteria for elected members – Department for Communities and Local Government – appendix 1
 - Constituency changes for the North East region – Boundary Commission for England – appendix 2

Background

2. The background to the consultations and responses are set out in appendices 1 and 2.

Proposal

3. To endorse the responses set out in appendices 1 and 2.

Recommendation

4. It is recommended that Cabinet endorses the consultation responses set out in appendices 1 and 2.

For the following reason:

To enable the Council to contribute responses to the consultation.

CONTACT: Kevin Ingledew extension: 2142

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DCLG consultation about the disqualification criteria for elected members

Policy Context

1. Response to DCLG consultation.

Background

2. Councillors and Mayors take strategic decisions that affect all of our lives. They decided how best to use public money and manage local authority resources, including property, land and assets. They also have a leading role to play in building and preserving a society where the rights and freedoms of individuals are respected. They should be community champions. It is therefore vital that they have the trust and respect of the electorate.
3. Councillors have to abide by the Nolan principles which are the basis of the ethical standards expected of public office holders.
4. Currently under Section 80 of the Local Government Act 1972, paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 and Section 21 of the Greater London Authority Act 1999, Councillors and Mayors can be disqualified if they:-
 - are employed by the authority or any company which is under the control of the local authority
 - are subject to bankruptcy restrictions or interim bankruptcy restrictions, or a debt relief order or interim debt relief restrictions order under the Insolvency Act 1986.
 - Have within five years before the day of election or since election been convicted in the UK , Channel islands or Isle of Man any offence and has had passed on them a sentence of imprisonment (whether or not suspended) for a period of not less than three months.
 - are disqualified under Part III of the Representation of the People Act 1983
 - are employed under the direction of various local authority committees, boards or the Greater London Authority
 - Are a teacher in a school maintained by the local authority

Proposals

5. The Government is seeking views about extending the reasons for disqualification to cover people who are subject to sex offender notification requirements (i.e are required to be on the sex offenders register) the proposal is that they should be disqualified for so long as they remain on the register.
6. The government is also proposing that individuals who are subject to a sexual risk order should not be disqualified from standing.
7. Sexual Harm Prevention Orders and Sexual Risk Orders were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 (amending this provision in the Sexual Offences Act 2003) and came into force in March 2015. They replaced the

previous Sexual Offences Prevention Orders. The SRO is a civil order which can be sought by the police against an individual who has not been convicted or cautioned for a sexual offence but who is nevertheless thought by the police to pose a risk of harm. The Home office Guidance suggests a risk assessment should include *“behaviour that is not wrong by itself but may become so because of the intentions”*.

8. In order to impose such an Order, the Court needs to be satisfied that the Order is necessary for protecting the public from sexual harm, thus lowering the old test of *“serious sexual harm”*. The police set out the conditions required and, if granted, these Orders can prohibit the subject from doing anything described in the order, from foreign travel and internet use, to, as we have now discovered, alerting a prospective partner of an individual’s sexual past and interests. Prohibitions contained in a Sexual Risk Order cannot last for less than 2 years and can be indefinite until a further Order is made. Failure to comply with an Order is a criminal offence, punished with a fine or imprisonment of up to 5 years:

- i.e a man was acquitted of a charge of Rape but was then made subject to a sexual risk order on application by the police which required him to tell them of his movements and of any relationship he proposed to enter into.

9. The table below, taken from the Sexual Offences Act 2003 specifies how long someone remains on the register for:-

Where the (adult) offender is:	The notification period is:
Sentenced to imprisonment for life or to a term of 30 months or more	An indefinite period
Detained in a hospital subject to a restriction order	An indefinite period
Sentenced to imprisonment for more than 6 months but less than 30 months	10 years
Sentenced to imprisonment for 6 months or less	7 years
Detained in a hospital without being subject to a restriction order	7 years
Cautioned	2 years
Conditional Discharge	The period of the discharge
Any other description (i.e fine or community sentence)	5 years

10. The Government is also seeking views about whether people who are or have been subject to a range of antisocial behaviour enforcement methods should be disqualified from standing as an elected member.
11. Under the Antisocial Behaviour Crime and Policing Act 2014 the following enforcement methods can be employed to tackle ASB by individuals:-

Community Protection Notice	Can be given to anyone over 16 or to businesses or organisations once a warning letter has been given to stop behaviour that is unreasonable and of a continuing nature and have a detrimental effect on the quality of life on those in the locality
Civil Injunction	Can be given to anyone over the age of 10 if the court is satisfied that the person has engaged or threatened to engage in asb and the court considers it just and convenient to do so
Criminal behaviour order	Can be given on conviction to tackle persistent asb
Dispersal power	Flexible power which police can use in a range of situations to provide immediate short term respite to a local community
Community protection notice	Designed to deal with particular problems which negatively affect a community's quality of life. Can be issued to anyone over 16 or to organisations or businesses. Have to serve a warning letter first then a notice. Breach can be dealt with by a fixed penalty notice or prosecuted.
Public spaces protection order	Designed to deal with anti-social behaviour in a public place – breach dealt with by an FPN or can be prosecuted
Closure power	A fast flexible way can be used to quickly close the whole of a premises to provide immediate relief to victims of anti – social behaviour

12. Consultation questions asked were:-

1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offenders Act 2003 should be prohibited from standing for election or holding office?
2. Do you agree that an individual who is subject to a Sexual Risk order should not be prohibited from standing for election?
3. Do you agree that an individual who has been issued with a Civil injunction or a criminal behaviour order should be prohibited from standing for election or holding office as a member of a local authority, Mayor of a combined authority or member of the London assembly or London Mayor?
4. Do you agree that being subject to a civil injunction or criminal behaviour order should be the only antisocial behaviour reasons why an individual should be prohibited from standing for election?

5. Do you consider that the proposal set out in this consultation paper will have an effect on local authorities discharging their public sector equality act duty
6. Do you have any further views about the proposals set out in this consultation paper.

13. The Council's responses were:-

Question 1 - Elected Members agreed that an individual who is subject to the notification requirements set out in the Sexual Offenders Act 2003 should be prohibited from standing for election or holding office.

Question 2 - Elected Members did not agree that such individuals should not be prohibited from standing. It was felt that such individuals should be prohibited from standing. This was because an application for a sexual risk order is made in a court. A court would have to be satisfied that the grounds for making such an order were met, before an order would be made. The aggrieved respondent would have the opportunity to challenge the making of the order and appeal. It was therefore felt that individuals who are subject to such an order should be prohibited from standing for election.

Questions 3 & 4 - Elected Members did not agree with the proposals in relation to question 3 or question 4. Elected Members felt that this was less of a risk to individual members of the community should someone be elected with such an order in place, given that breach of such an order could attract a sentence in excess of a three months imprisonment ; which is a current ground for disqualification for Elected Members.

Elected Members felt that using a blanket yes or no response to question 4 would not be the best way of managing the risk, given that the behaviour is so broad and could be in relation to targeted action being taken towards people who were attending political rallies. Elected Members felt that these risks were not at a level that would be associated with sexual offences where an individual could pose a risk of harm to individual members of their community.

Question 5 - Elected Members did not feel that the proposals set out in this consultation would have any effect on the discharge of the public sector equality duty

Question 6 - Elected Members noted that the criminal conduct rules applied to local authority Elected Members were far more stringent than those which apply to MP's. It was felt that the same rules should apply to both i.e MP's have to have been sentenced to imprisonment of more than 1 year, Councillors only three months.

Consultation

14. All elected members

Alternative Options

15. None

Implications of Recommended Option

16. **Resources:**
 - a) **Financial Implications** – There are no financial implications
 - b) **Human Resources Implications** – There are no human resources implications
 - c) **Property Implications** - There are no property implications
17. **Risk Management Implication** - There are no risk management implications
18. **Equality and Diversity Implications** - There are no equality and diversity implications
19. **Crime and Disorder Implications** – There are no crime and disorder implications
20. **Health Implications** - There are no Health implications
21. **Sustainability Implications** - There are no sustainability implications
22. **Human Rights Implications** - There are no human rights implications
23. **Area and Ward Implications** - There are no ward implications

APPENDIX 2

Boundary Commission for England's (BCE's) consultation about the Constituency changes for the North East region

Policy Context

1. Response to Boundary Commission for England (BCE) consultation.

Background

1. There are four Boundary Commissions covering the UK with separate Commissions for Scotland, Wales and Northern Ireland. The Parliamentary Constituencies Act 1986 states that they must conduct a review of Parliamentary constituency boundaries, and make recommendations to Government, every five years. Under the current review, they must report in September 2018. The four Commissions work separately. This report covers only the work of the Boundary Commission for England and, in particular, introduces their revised proposals for the North East region.
2. Parliamentary boundaries are important, as they define the area in which voters will elect a Member of Parliament. If the recommendations are accepted, the new Constituencies would be used for the first time at the next General Election following their acceptance.
3. The legislation the BCE works to states that there will be 600 Parliamentary constituencies covering the UK – a reduction of 50 from the current number. For England, that means that the number of constituencies must reduce from 533 to 501. There are also new rules that the Commission has to adhere to when conducting the review – a full set of rules can be found in their Guide to the 2018 Review of Parliamentary constituencies ('the Guide'), which was published in the summer of 2016.
4. Most significantly, the rules state that every constituency the BCE recommends (with the exception of two covering the Isle of Wight) must contain between 71,031 and 78,507 electors; that is 5% either side of the electoral quota of 74,769. The legislation also states that when deciding on boundaries, the Commission may also take into account:
 - special geographical considerations, i.e the size, shape and accessibility of a constituency;
 - local government boundaries as they existed on 7 May 2015;
 - boundaries of existing constituencies;
 - any local ties that would be broken by changes in constituencies.

But none of those factors could override the need to fall within 5% of the electoral quota

5. The consultation process has had four parts:-

Initial proposals were published on 13 September 2016 and the consultation was open until 5 December 2016. The initial proposals split Gateshead into 6 Constituencies all of which crossed Local Authority boundaries as follows:

- **Gateshead BC** – Bridges, Chowdene, Deckham, Dunston & Teams, Felling, High Fell, Lobley Hill & Bensham, Low Fell, Pelaw & Heworth, Saltwell, Windy Nook & Whitehills
- **Blaydon BC** – Blaydon, Crawcrook & Greenside, Dunston Hill & Whickham East, Ryton Crookhill & Stella, Whickham North, Whickham South & Sunnyside
- **Jarrow BC** – Wardley & Leam Lane
- **North Durham and Chester Le Street CC** – Lamesley
- **Sunderland West BC** – Birtley
- **West Durham and Teesdale CC** – Chopwell & Rowlands Gill, Winlaton & High Spennings

6. The Council responded to this initial consultation saying that the proposals would result in:

- Fragmentation of Gateshead
- Voter dissatisfaction – loss of local identity
- Voter confusion
- Weakened links between MPs, Councillors and Councils
- Impact on electoral participation
- Administration (postal votes, transport, logistics)

7. Four alternative proposals were put forward by the Council:-

- Reclaiming Lamesley and Birtley wards into Gateshead constituency
- Reclaiming Wardley and Leam Lane ward into Gateshead constituency
- Reclaiming Winlaton and High Spennings ward into Blaydon constituency
- Moving Birtley from Sunderland West into North Durham and Chester Le Street constituency

8. These proposals fully met BCE principles and one complete constituency in Gateshead.

10. BCE received all the responses then published revised proposals on 17 October 2017 which were open for consultation until 11 December 2017.

Proposals

11. The revised proposals split the North East Region into 2 sub regions

Northumberland – 3 constituencies

Tyne and Wear, County Durham, Darlington and Cleveland - 22 constituencies

12. A constituency that crosses the River Tyne cannot be avoided (numerical and geographical constraints). A re-created Tyne Bridge constituency was 'a notable geographical barrier separating two communities either side of it' – no alternative but to have a constituency that crosses the river at Blaydon.
13. Creation of a wholly coterminous Gateshead constituency – not suggested in representations but an appropriate solution and a consequence of resolving issues elsewhere in the region.
14. Enlargement of Jarrow constituency – to resolve issues in the region

Blaydon constituency - shared with Newcastle and Durham
Gateshead West constituency (coterminous)
Jarrow constituency - shared with South Tyneside

BCE stated that they would, therefore, require new and significantly stronger arguments to depart from their revised proposals.
15. The Council's response to the consultation is set out in the following paragraphs.
16. It is clear from the Assistant Commissioners' report in relation to the North East that their approach to the task of recommending revised proposals has aspired towards balance and transparency. There is, throughout their report, a significant emphasis placed on the representations that have informed the process and these are frequently cited as examples in support of the reasoning behind each instance of revision. Care has also been taken to reference counter proposals from interested parties that could not be accommodated or that the Assistant Commissioners did not consider to offer any improvement on the initial proposals.
17. Gateshead Council commends this approach. Furthermore, with 950 unique written and 50 oral representations to consider, the Council acknowledges the scale of the exercise. It goes without saying that the Assistant Commissioners could not conceivably accommodate every respondent's views of what the most desirable arrangements would be and there must have been many challenging decisions to make. That the Boundary Commission for England (the Commission) has accepted, and chooses to endorse in full, the recommendations made in this report shows that the Assistant Commissioners are regarded as having handled the exercise adequately.
18. The Assistant Commissioners acknowledge that of the representations received from interested parties, those proposing 'viable solutions in line with the rules' carried more weight than those simply disagreeing with the Commission's proposals without offering alternatives.
19. Although not a perfect solution, the revised proposals are a significant improvement for Gateshead and its voters, and that Gateshead no longer has any wards 'orphaned off' to make up the numbers elsewhere is welcomed. That does not mean, however, that the Council is in full agreement with the proposals.
20. At this stage Gateshead Council does not intend to offer alternative solutions to the proposed revised constituency boundaries and asks that the Commission does not

make any further changes to constituency boundaries that would negatively impact on the borough's current position.

21. We would instead ask the Commission to consider whether the proposed constituency names truly reflect the communities that make up the revised constituencies.
22. The proposed Blaydon constituency will include voters from Gateshead, Newcastle and Durham. We do not in this response intend to offer an alternative constituency name. We feel that this is a well-established constituency that is already recognised by Gateshead's voters. We are aware, however, that representations from Newcastle or Durham may be received that make alternative suggestions.
23. The proposed Gateshead West constituency will only include voters from Gateshead. This constituency will include voters from the current Gateshead and Blaydon constituencies. Gateshead West does not fully reflect the area of Gateshead that it represents. West Gateshead is essentially the part of the Borough that is in the proposed Blaydon constituency. The wards that make up the proposed Gateshead West constituency are predominately located in the central and south of the Borough and it is requested that the current name of Gateshead constituency be retained. Like the Blaydon constituency, it is well established and recognised by voters.
24. The proposed Jarrow constituency will contain 41% of Gateshead voters. These voters reside in the East of Gateshead and do not identify themselves with Jarrow. The constituency name of Jarrow does not reflect the Gateshead communities that make up the revised constituency and a proposed change of the constituency name to Gateshead East and Jarrow or Jarrow and Gateshead East is requested. This name change will allow the Gateshead voters in this constituency to identify with it and we note at the 2010 boundary review the Commission in its own proposals suggested a constituency name that included the names of both Gateshead East and Jarrow.

Consultation

25. All elected members.

Alternative Options

26. None

Implications of Recommended Option

27. Resources:

- a) **Financial Implications** – There are no financial implications arising directly from this consultation.
- b) **Human Resources Implications** – There are no human resources implications.
- c) **Property Implications** - There are no property implications

28. **Risk Management Implication** - There are no risk management implications

29. **Equality and Diversity Implications** - There are no equality and diversity implications
30. **Crime and Disorder Implications** – There are no crime and disorder implications
31. **Health Implications** - There are no Health implications
32. **Sustainability Implications** - There are no sustainability implications
33. **Human Rights Implications** - There are no human rights implications
34. **Area and Ward Implications** - There are no ward implications

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TITLE OF REPORT: Surplus Declaration of Garages at Garth Farm Road,
Winlaton

REPORT OF: Mike Barker, Strategic Director, Corporate Services and Governance

Purpose of the Report

1. To seek approval to (i) the property at Garth Farm Road, Winlaton being declared surplus to the Council's requirements and (ii) the future proposal for the property after being declared surplus.

Background

2. The property, which is shown edged black on the attached plan, was acquired in 1937 pursuant the provisions of the Housing Acts 1890-1925. It comprises of six garages that have fallen into significant disrepair and are now considered to potentially be a health and safety risk to the local community.
3. Two of the 6 garages are held as long term voids as the demand for garages has not warranted the level of expenditure required to bring them back into use. The Gateshead Housing Company has been working with the occupants of the other garages and has identified suitable alternative garages for the two tenants who still require a garage.
4. Interest in purchasing the property has been received from Greenway Homes Ltd, who acquired the adjacent former social club and is currently developing that site with houses for sale. Greenway Homes are proposing to either rebuild or re-furbish the garages and sell them with the houses being built on the adjacent site.

Proposal

5. It is proposed that the property be declared surplus to the Council's requirements so that it can be sold to Greenway Homes Ltd on terms to be agreed.

Recommendations

6. It is recommended that Cabinet:
 - (i) Declare the property surplus to the Council's requirements;
 - (ii) Authorise the Service Director Legal Democratic and Property Services to dispose of the property to Greenway Homes Ltd on terms to be agreed.

For the following reasons:

- (i) To manage resources and rationalise the Council's assets to facilitate the long term sustainability of the Housing revenue Account.
- (ii) To manage resources and rationalise the Council's assets in line with the Corporate Asset Strategy and Management Plan 2015 -2020.

CONTACT: Zoe Sharratt extension: 3503

APPENDIX: Garages at Garth Farm Road, Winlaton.

Policy Context

1. The proposed surplus declaration supports the overall vision for Gateshead as set out in Vision 2030 and the Council Plan. In particular, Live Well Gateshead – the destination of choice for families with a range of excellent and affordable housing options.
2. The proposed declaration will also accord with the provisions of the update of the Corporate Asset Strategy and Management Plan 2015 – 2020. In particular, the rationalisation of the estate through the disposal of an uneconomic asset.

Background

3. The property, which is shown edged black on the attached plan, was acquired in 1937 pursuant to the provisions of the Housing Acts 1890 - 1925.
4. It comprises of six garages that have fallen into significant disrepair and are now considered to potentially be a health and safety risk to the local community.
5. Two of the 6 garages are held as long term voids as the demand for garages has not warranted the level of expenditure required to bring them back into use. The Gateshead Housing Company has been working with the occupants of the other garages and has identified suitable alternative garages for the two tenants who still require a garage.
6. Interest in purchasing the property has been received from Greenway Homes Ltd, who acquired the adjacent former social club and is currently developing that site with houses for sale. Greenway Homes are proposing to either rebuild or re-furbish the garages and sell them with the houses being built on the adjacent site.
7. Over the next 30 years, the life of The Gateshead Housing Company's business plan, taking into account the need for investment, it is anticipated that the garages would produce an income of £15,000.
8. This disposal would accord with section 32 of the Housing Act 1985 and paragraph A3.1.1 of the General Consent for the Disposal of Land held for the purposes of Part II of the Housing Act 1985 – 2013 and there will therefore be no requirement to obtain specific consent from the Secretary of State.

Consultation

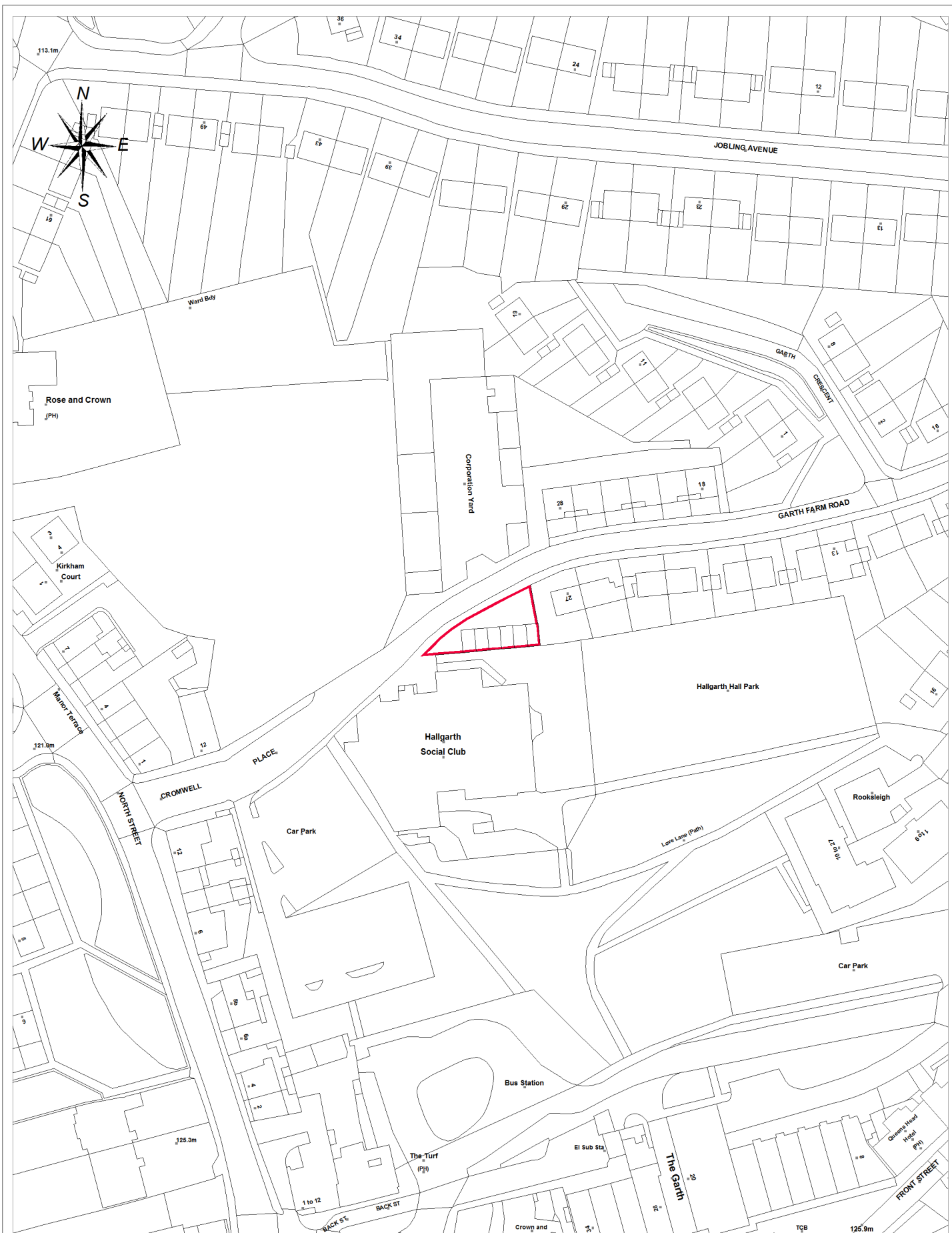
9. In preparing this report consultations have taken place with the Leader, Deputy Leader and Cabinet Members for Housing. Ward Councillors for Winlaton and High Spen have also been consulted on the proposal and they have raised no objections.


Alternative Options

10. The option of retaining the property has been discounted as it would result in the loss of an opportunity to develop houses on the land and generate a capital receipt.

Implications of Recommended Option

11. **Resources:**
 - a) **Financial Implications** - The Strategic Director, Corporate Resources confirms that the future disposal of the property is expected to generate a capital receipt for the Council which will be reinvested in the Council's housing stock'.
 - b) **Human Resources Implications** - There are no implications arising from this recommendation.
 - c) **Property Implications** - The future disposal of this property will result in a reduction in the Council's overall property portfolio thus reducing operational costs.
12. **Risk Management Implication** - The future disposal of this property will remove opportunities for anti-social behaviour to vacant property.
13. **Equality and Diversity** – There are no implications arising from this recommendation.
14. **Crime and Disorder Implications** - The future disposal of this property will remove opportunities for crime and disorder.
15. **Health Implications** - There are no implications arising from this recommendation.
16. **Sustainability Implications** - There are no implications arising from this recommendation.
17. **Human Rights Implications** - There are no implications arising from this recommendation.
18. **Area and Ward Implications** – Winlaton and High Spen in the West area.
19. **Background Information** - None.



Title Land at Garth Farm Road Winlaton		<small>© Crown Copyright and database rights 2016. Ordnance Survey license number 100019132.</small>		
Scale 1:1250	Date Created 10th October 2017	Drawn By Gillian Hall	Drawing Number Asset ID 008983	
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Page 231				

Legal, Democratic and Property Services
Corporate Services and Governance
Gateshead Council

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REPORT TO CABINET
19 December 2017

TITLE OF REPORT: Petitions Schedule

REPORT OF: Mike Barker, Strategic Director, Corporate Services and Governance

Purpose of the Report

1. To provide an update on petitions submitted to the Council and the action taken on them.

Background

2. Council Procedure Rule 10.1 provides that any member of the Council or resident of the borough may submit a petition to the Leader of the Council, to another member of the Council nominated by the Leader, to the Chief Executive or a Strategic Director.

Proposal

3. The Cabinet is asked to note the petitions received and actions taken on them.

Recommendations

4. It is recommended that Cabinet note the petitions received and action taken on them.

For the following reason:

To inform Cabinet of the progress of the petitions.

CONTACT: Mike Aynsley extension: 2128

APPENDIX 1

Policy Context

1. The information is provided in accordance Council Procedure Rule 10.2 whereby progress of petitions is to be reported regularly to meetings of the Cabinet. The procedure supports the Council Plan.

Background

2. Council Procedure Rule 10.1 provides that any member of the Council or resident of the borough may submit a petition to the Leader of the Council, to another member of the Council nominated by the Leader, to the Chief Executive or a Strategic Director.

Consultation

3. This report has been prepared following consultation as set out in the schedule.

Alternative Options

4. There are no alternative options.

Implications of Recommended Option

5. Resources:

a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that there are no financial implications arising from this report.

b) **Human Resources Implications** – Nil

c) **Property Implications** - Nil

6. **Risk Management Implication** - Nil

7. **Equality and Diversity Implications** - Nil

8. **Crime and Disorder Implications** – Nil

9. **Health Implications** - Nil

10. **Sustainability Implications** - Nil

11. **Human Rights Implications** - Nil

12. **Area and Ward Implications** - Borough wide

Background Information

13. Petitions schedule attached.

APPENDIX 2

PETITIONS SUBMITTED TO GATESHEAD METROPOLITAN BOROUGH COUNCIL

DATE RECEIVED	REF	FROM	ISSUE	FORWARDED TO	ACTION TO DATE
22.06.17 Submitted to the Deputy Leader of the Council	07/17	Petition from Keser Girls School	Petition requesting a crossing on Whitehall Road	Strategic Director, Communities and Environment	The petition is being considered by officers but requisite surveys will not be undertaken until the new calendar year.
23.11.17 Submitted to Councillor Twist	10/17	Petition from residents of Whickham	Petition requesting the installation of 2 pedestrian crossings at Parkway, Whickham	Strategic Director, Communities and Environment	A traffic and pedestrian survey will be undertaken early in the New Year. Local Ward Members and Portfolio Holder for Environment and Transport will be advised accordingly.
26.11.17 Submitted to Democratic Services by Councillors K McCartney and J Graham	11/17	Petition from residents of Dale View Gardens, Crawcrook	Petition requesting roof replacements at Dale View Gardens, Crawcrook	The Gateshead Housing Company	The ward councillors, Liz Twist MP and the lead petitioner have been advised that the roofs are not currently included in a future investment programme. However, the Housing Company and Council are arranging for the properties to be surveyed to establish the extent of any works required. This will take place on a date that is mutually convenient for all interested parties

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