

GATESHEAD METROPOLITAN BOROUGH COUNCIL

CABINET MEETING

Tuesday, 19 April 2016

PRESENT: Councillor M Henry

Councillors: M Gannon, C Donovan, A Douglas, L Green,
M Foy, G Haley, J McElroy, M McNestry and L Twist

C208 MINUTES

The minutes of the Cabinet meetings held on 15 and 22 March 2016 were approved as a correct record and signed by the Chair.

C209 HIGHWAY MAINTENANCE SCHEME PROGRAMME 2016/17

Consideration has been given to a programme of capital funded highway maintenance schemes in 2016/17.

The alternative option to the programme being recommended, but which was discounted, was to include roads in less urgent need of repair.

- RESOLVED -
- (i) That the proposed programmes of refurbishment works for 2016/17 as set out in the report be approved.
 - (ii) That the Service Director, Development & Public Protection be authorised to award the relevant highway works to the Service Director, Construction Services under the terms of the Highways, Drainage & Street Lighting Maintenance Contract, the balance to the annual road surfacing contractor, the annual road surface dressing contractor, the principal bridge inspections to a suitable consultant through the NEPO Framework Agreement for Transportation & Civil Engineering Consultancy and to seek tenders for the specialist concrete bridge contractors.

The above decisions have been made for the following reasons:

- (A) To continue to address the backlog of deterioration of roads and footways throughout the borough.
- (B) To maintain the bridges in a safe and serviceable condition.

C210 LOCAL TRANSPORT PLAN: INTEGRATED TRANSPORT CAPITAL PROGRAMME UPDATE

Consideration has been given to an update on progress with the Local Transport Plan integrated transport capital programme, including a review of implementing the 2015/16

programme together with the in-year changes that have had to be made, and to the proposed programme for 2016/17.

- RESOLVED -
- (i) That the estimated final outturn relating to the integrated transport capital programme for 2015/16 as set out in appendix 2 to the report be approved.
 - (ii) That the programme for 2016/17 as set out in appendix 3 to the report be approved.
 - (iii) That the Service Director, Development & 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.
 - (iv) That the Service Director, Development & 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.

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.

C211

ADULT SOCIAL CARE DEFERRED PAYMENTS POLICY

Consideration has been given to recommending the Council to approve the proposed changes to the Deferred Payments Policy brought about by the Care Act 2014 and to charging of interest and administration costs.

The alternative options, to that being recommended, but which were discounted, included not charging interest and administration costs, or charging higher rates of interest as permitted by the Regulations.

- RESOLVED -
- That the Council be recommended to:
- (i) Approve the Deferred Payments Policy as set out in appendix 2 to the report.
 - (ii) Agree to the charging of interest at the lower of 1.15% or the amount specified in regulation and administration costs based on actual costs on the deferred payments amounts.
 - (iii) Delegate authority to the Director of Adult Social Care to amend the scheme in line with changes made by statutory provisions (such as, for example, any change in the upper capital threshold limit).

The above decisions have been made to meet the requirements of the Care Act 2014.

C212

2016 - 2017 STATUTORY INTERVENTION PLAN FOR THE FOOD CONTROL AND HEALTH & SAFETY SERVICES

Consideration has been given to recommending the Council to approve the Intervention Plan for the Food Control and Health & Safety services for 2016 - 2017.

RESOLVED - That the Council be recommended to approve the Intervention Plan for 2016 – 2017 as set out in the appendix to the report.

The above decision has been made to ensure that effective and appropriate enforcement strategies and resources are allocated to deliver the mandatory duties placed on the Council as the enforcing authority for the regulation of businesses.

C213

CORPORATE HEALTH AND SAFETY POLICY

Consideration has been given to recommending the Council to approve the revised Corporate Health and Safety Policy covering all Council employees and others affected by the Council's work activities.

RESOLVED - That the Council be recommended to approve the revised Corporate Health and Safety Policy as set out in appendix 2 to the report.

The above decision has been made to comply with the legal requirement to have and keep updated a health and safety policy.

C214

COUNCILLOR ENGAGEMENT AND DEVELOPMENT FRAMEWORK

Consideration has been given to recommending the Council to approve the Councillor Engagement and Development Framework.

RESOLVED - That the Council be recommended to:

- (i) Approve the Councillor Engagement and Development Framework as attached to the report.
- (ii) Agree that the Protocol on Councillors' Attendance is added to the 'Associated Protocols' within the Code of Conduct for Members.
- (iii) Delegate authority to the Strategic Director, Corporate Services and Governance following consultation with the Leader of the Council to make any minor amendments/updates to the Framework.

The above decisions have been made to ensure councillors and officers are able to engage effectively, and have a good understanding of arrangements, roles and responsibilities.

C215

CHANGE PROGRAMME - PROGRESS REPORT FIRST QUARTER

Consideration has been given to the progress being made in respect of the Change Programme that was agreed by Cabinet in February 2016.

RESOLVED - That the progress be noted.

The above decision has been made to ensure Cabinet is able to monitor progress of the Change Programme and give direction in a timely manner.

C216 **REVIEW OF THE CORPORATE PERFORMANCE MANAGEMENT FRAMEWORK**

Consideration has been given to a revision of the corporate strategic indicator set and a change to the identification of tracker and target indicators to replace the current rolling five-year performance targets with a single fixed 2020 target.

- RESOLVED -
- (i) That the revision of the proposed strategic indicator set and the identification of both tracker and target indicators to replace the current rolling five-year performance targets as set out in appendix 2 to the report be endorsed.
 - (ii) That it be noted that a report will be taken to each Overview and Scrutiny Committee to finalise the strategic indicator set with 2020 targets, with any significant changes being reported back to Cabinet.

The above decisions have been made to ensure the Council's approach to performance is continuously improving and is contributing to the successful delivery of Vision 2030 and the Council Plan 2015-2020.

C217 **RESPONSES TO CONSULTATION**

Consideration has been given to proposed responses to recent consultations.

RESOLVED - That the responses to the following consultations be endorsed:

- Funding Local Authorities to support former Independent Living Fund recipients: The Former ILF Recipient Grant – Department for Communities and Local Government (DCLG)
- Technical Consultation on Implementation of Planning Changes – DCLG

The above decision has been made to enable the Council to contribute responses to the consultations.

C218 **COUNCIL TAX AND NON DOMESTIC RATES - TRANSFER OF UNCOLLECTABLE AMOUNTS**

Consideration has been given to the transfer of outstanding balances from Council Tax and Non-Domestic Rates (NDR) accounts, where all possible recovery action has been taken and the balances are now considered to be uncollectable.

- RESOLVED -
- (i) That the action taken under delegated powers to transfer 2,142 accounts totalling £170,402.12 in respect of Council Tax and 203 accounts totalling £18,869.85 in respect of NDR be noted.
 - (ii) That the transfer of 1,005 accounts in respect of Council Tax balances totalling £148,240.73 and 291 accounts of NDR balances totalling £924,928.72 be approved.

The above decisions have been made for the following reasons:

- (A) To ensure the effective management of the Council's resources.
- (B) To ensure that the council accounts accurately reflect the correct financial position.

C219

INSPECTION OF SERVICES FOR CHILDREN IN NEED OF HELP AND PROTECTION, CHILDREN LOOKED AFTER AND CARE LEAVERS

Consideration has been given to:

- a) the findings from Ofsted's Inspection of services for children in need of help and protection, children looked after and care leavers and their review of the effectiveness of the Local Safeguarding Children Board (LSCB) in Gateshead published on 11 March 2016;
- b) the proposal to implement the actions necessary in relation to the areas for improvement identified by Ofsted processes within Gateshead, in line with Ofsted's recommendations; and
- c) referring the Ofsted report and subsequent improvement plans to the Families Overview and Scrutiny Committee (OSC) for consideration.

- RESOLVED -
- (i) That the contents of the Ofsted Inspection Report of services for children in need of help and protection, children looked after and care leavers and the review of the LSCB, 27 October – 19 November 2015 be noted.
 - (ii) That the implementation of the actions necessary in relation to the areas for improvement identified by Ofsted processes within Gateshead, in line with Ofsted's recommendations be approved.
 - (iii) That the report be referred to the Families OSC, Children's Trust Board and Local Safeguarding Children Board for consideration.

The above decisions have been made to ensure that the Ofsted findings are given appropriate scrutiny as part of the Council's performance management arrangements and to ensure that any necessary action is taken around the areas for improvement.

C220

GATESHEAD'S CHILDREN MISSING EDUCATION STRATEGY, PROCEDURES AND GUIDANCE

Consideration has been given to the revised Children Missing Education Strategy, Procedures and Guidance.

RESOLVED - That the Children Missing Education Strategy as set out in appendix 2 to the report be approved.

The above decisions have been made for the following reasons:

- (A) To ensure that the Council complies with section 436A of the Education Act 1996.
- (B) To ensure that the Council wherever possible identifies 'lost' children and ensures they have access to suitable education provision.

C221 **ELECTIVE HOME EDUCATION STRATEGY 2016-2020**

Consideration has been given to the revised Elective Home Education Strategy.

RESOLVED - That the revised Elective Home Education Strategy as set out in appendix 2 to the report be approved.

The above decisions have been made to enable the Council and its partners to agree an effective Elective Home Education strategy in order to support parents who choose to home educate while ensuring that systems are in place to monitor and support (where it is possible) home education.

C222 **FREEDOM OF INFORMATION ANNUAL REPORT 2016**

Consideration has been given to the number and analysis of requests received by the Council under the Freedom of Information Act 2000 for the period 1 January 2015 to 31 December 2015 and to how the Council has complied with its statutory obligations under the Act.

- RESOLVED -
- (i) That the Freedom of Information Annual Report for 2015 as set out in appendix 1 to the report be approved.
 - (ii) That the report be referred to the Corporate Resources Overview and Scrutiny Committee for consideration.

The above decisions have been made to have an effective and timely system for dealing with requests for information which ensures the Council is compliant with the relevant legislation.

C223 **SURPLUS PROPERTY**

Consideration has been given to the properties listed below being declared surplus to the Council's requirements and to the future proposals for the properties after being declared surplus:

- Winlaton Community Centre
- Emma Memorial Hall, Crawcrook
- Springwell Community Centre
- Front Street Primary School, Wickham

- RESOLVED -
- (i) That in respect of Winlaton Community Centre:
 - a) the property be declared surplus to the Council's requirements;
 - b) the Strategic Director, Corporate Services and Governance be authorised to negotiate a 35 year lease with the Centre's management committee pursuant to the Council's Community Asset Transfer policy; and
 - c) the Strategic Director, Corporate Services and Governance be authorised to dispose of the property on the open market in the event that the community asset transfer does not proceed to completion.

 - (ii) That in respect of Emma Memorial Hall:
 - a) the property be declared surplus to the Council's requirements;
 - b) the Strategic Director, Corporate Services and Governance be authorised to proceed with a 35 year lease to the existing management committee pursuant to the Council's Community Asset Transfer policy; and
 - c) the Strategic Director, Corporate Services and Governance be authorised to dispose of the property on the open market in the event that the community asset transfer does not proceed to completion.

 - (iii) That in respect of Springwell Community Centre:
 - a) the property be declared surplus to the Council's requirements; and
 - b) the Strategic Director, Corporate Services and Governance be authorised to proceed with a 35 year lease to 19 Plus CIC, trading as Cumbric, subject to the rental terms set out in the report, pursuant to the Councils Community Asset transfer policy.

 - (iv) That in respect of Front Street Primary School:
 - a) The property be declared surplus to the Council's requirements subject to the specific consent of the Secretary of State for Education;
 - b) the Strategic Director, Corporate Services and Governance be authorised to negotiate the grant of a lease to the Out of School Club of the building shown hatched on the plan attached to the report; and
 - c) the Strategic Director, Corporate Services and Governance be authorised to dispose of the remainder of the site.

The above decisions have been made for the following reasons:

- (A) To manage resources and rationalise the Council's assets in line with the Corporate Asset Strategy and Management Plan.
- (B) To ensure delivery of the cost savings identified in the Community Centre Review approved by Cabinet on 26 February 2013 (Minute No C224).

C224 **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.

C225 **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.

C226 **LEISURE SERVICE REVIEW AND MANAGEMENT OPTIONS APPRAISAL - IMPLEMENTATION OF CHANGES IN THE SERVICE**

Consideration has been given to progress of the Change Programme work stream (Leisure and Culture) and to the recommendations from Stage 2 of the Leisure Options Review.

- RESOLVED -
- (i) That the progress on the Leisure and Culture Change Programme work stream be noted.
 - (ii) That a service structure review as identified in paragraph 11, appendix 1 be approved, which will include the principles for investing in employees with the Strategic Director, Communities & Environment and Strategic Director, Corporate Services & Governance commencing a process of engagement with employees and trade unions and which will also include embedding the work of the Sport, Physical Activity and Health Development team into the leisure facility environment.
 - (iii) That the continuation of Leisure Services provided by the Council to deliver the additional income, savings and transformation be approved and in the event these are not on target to be realised by September 2017 or operational improvements have not been realised, a different management arrangement to be put in place by 1 April 2018 which will be either, a Wholly Owned Company (WOC) / Teckal Company or a Leisure Trust..
 - (iv) That further to (iii) above movement towards an alternative management arrangement may be accelerated if it is felt improvements are not progressing at a pace expected, or pending the outcome of Stage 3 of the Leisure review.
 - (v) That the undertaking of Stage 3 of the Leisure review which considers the development of a single leisure and culture offer,

and assesses the relevant management options, for implementation from April 2018 be approved.

- (vi) That the proposal to implement the recommendations of the KKP report as set out in the report be approved.

The above decisions have been made to support the delivery of the service vision approved by Cabinet at its meeting on 15 December 2015 (Minute No C122).

C227

PROVISION OF SUPPORT, DEVELOPMENT, NETWORKING AND REPRESENTATION TO THE VOLUNTARY AND COMMUNITY SECTOR IN GATESHEAD 2016/2017

Consideration has been given to the proposal to enter into an Agreement with Newcastle Council for Voluntary Services (NCVS) to provide support, development, networking and representation to the Voluntary and Community Sector in Gateshead for 2016/2017.

- RESOLVED -
- (i) That the Agreement between the Council and Newcastle CVS for the provision of services to the voluntary and community sector for 2016/2017 as specified in the Agreement at appendix 2 to the report be approved.
 - (ii) That the Agreement between the Council and Newcastle CVS shall include an option to extend the Agreement by up to a further 12 months, subject to the Council's budgetary position and further Cabinet approval.
 - (iii) That the commencement of discussions with partners and the Voluntary and Community Sector regarding the provision of a Council for Voluntary Services in Gateshead from 2017 be approved.

The above decisions have been made to build capacity and sustainability in voluntary and community organisations in Gateshead.

C228

DEVELOPMENT AGREEMENT FOR THE GATESHEAD QUAYS SITE

Consideration has been given to the execution of a Development Agreement between Gateshead Council and a consortium of Ask Real Estate Ltd and Patrizia UK Limited; the Council's appointed development partners for the Gateshead Quays site.

- RESOLVED -
- (i) That the Council entering into a Development Agreement with a consortium of its appointed developers Ask Real Estate Ltd and Patrizia UK Limited be approved.
 - (ii) That the Strategic Director, Corporate Services & Governance, following consultation with the Chief Executive, the Strategic Director Communities & Environment and the Strategic Director, Corporate Resources, be authorised to negotiate and agree the final terms of the Development Agreement with ASK.

The above decisions have been made to allow both parties to invest further time and

resource in working together to create a viable scheme of development that meets the Council's objectives for the Gateshead Quays site.

C229

NORTHERN CENTRE FOR EMERGING TECHNOLOGIES

Consideration has been given to the submission of a full application for European Structural Investment Funds (ESIF) for the development of a Northern Centre for Emerging Technology in the Baltic Business Quarter.

- RESOLVED -
- (i) That the submission of the full application for ESIF for the Northern Centre for Emerging Technology be approved.
 - (ii) That the provisional allocation of match funding to support the development of the Northern Centre for Emerging Technology, subject to the successful award of external funding be approved.
 - (iii) That expenditure of up to £275,000 to develop the scheme to full cost, design and planning application stage be approved.
 - (iv) That a further report be submitted in autumn 2016, following announcement of whether the Council has been successful in securing ESIF Funds, to determine whether the Council wishes to draw down the European Union funds, to match with Council funds, and proceed with developing the Northern Centre for Emerging Technology.

The above decisions have been made for the following reasons:

- (A) To allow the Council to bid for European Structural Investment Funds.
- (B) To support digital technology SME's and the wider SME business community within Gateshead.
- (C) To support the delivery of Vision 2030 in particular the strong economy element of the Sustainable Gateshead big idea.
- (D) To maximise opportunities, and to build on the mounting recognition on a national level that Gateshead is receiving, for this smart specialism.
- (E) To facilitate further development in one of Gateshead's primary employment areas – Baltic Business Quarter.

C230

GATESHEAD TRADING COMPANY - UPDATE ON TRADING ACTIVITIES 2014/15

Consideration has been given to the activities of Gateshead Trading Company Ltd and its financial position in 2014/2015; to the payment of a dividend to the Council from the profits generated by the Company in 2013/14; and to the adoption of Financial Reporting Standard (FRS) 101 for Gateshead Trading Company Ltd for accounting periods beginning after 1

January 2015.

- RESOLVED -
- (i) That the activities of the Gateshead Trading Company Ltd in 2014/15 be noted.
 - (ii) That the financial position of the Company in the financial year 2014/15 be noted.
 - (iii) That the declaration of a dividend of the amount set out in the report to the Council be approved.
 - (iv) That the adoption of FRS101 Reduced Disclosures Framework as the standard to be used for the preparation of Gateshead Trading Company Ltd's accounts be noted.

The above decisions have been made to fulfil the Cabinet's role as the executive body of the sole shareholder of the Company.

C231

PROPOSED DISPOSAL OF LAND AT WREKENTON

Consideration has been given to declaring three parcels of land adjacent to the Co-op Foodstore, Easedale Gardens, Wrekenton as set out in the plan attached to the report, surplus to requirements and to the disposal of Council land situated to the rear of the Co-op Foodstore at Easdeale Gardens, to Aldi Stores Limited (Aldi) subject to planning permission being granted for the redevelopment of a new foodstore and associated car parking and servicing; and satisfactory ground conditions.

- RESOLVED -
- (i) That the land shown edged black (Parcels A and B) and land shown hatched black (Parcel C) on the plan attached to the report be declared surplus to the Council's requirements.
 - (ii) That the freehold disposal of the land edged black on the plan attached to the report to Aldi for the purchase price of the amount set out in the report be approved.
 - (iii) That the leasehold disposal of the land hatched black on the plan attached to the report to Aldi for a term of 250 years, subject to a premium payment of the amount set out in the report be approved.
 - (iv) That the Service Director, Legal, Democratic & Property Services be authorised to negotiate any deductions from the initial purchase price for abnormal development costs, up to a maximum value of £50,000.

The above decisions have been made to realise a capital receipt, enable regeneration and to rationalise the property portfolio.

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: DeadlinePubminutes

Chair.....