

CABINET AGENDA

Tuesday, 18 December 2018 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 3 - 10)

Cabinet is asked to approve as a correct record the minutes of the last meeting held on 20 November 2018.

Key Decision

3 **Tender for the Supply of Goods and Services** (Pages 11 - 14)

Report of the Strategic Director, Corporate Services and Governance

Recommendation to Council

4 **Allotment Portfolio - Rent Review 1 April 2019** (Pages 15 - 20)

Report of the Strategic Director, Corporate Services and Governance

Non Key Decisions

5 **Responses to Consultations** (Pages 21 - 56)

Report of the Chief Executive

6 **Placement Sufficiency and Commissioning Strategy for Children in Care in Gateshead 2018 to 2021** (Pages 57 - 80)

Report of the Strategic Director, Care, Wellbeing and Learning

7 **Nomination of Local Authority School Governors** (Pages 81 - 84)

Report of the Strategic Director, Care, Wellbeing and Learning

8 **The Sage Gateshead - Lease Renewal** (Pages 85 - 90)

Report of the Strategic Director, Corporate Services and Governance

9 **Surrender and New Lease of Hillside Grange, Felling** (Pages 91 - 96)

Report of the Strategic Director, Corporate Services and Governance

10 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 on the grounds indicated:

Item	Paragraph of Schedule 12A to the Local Government Act 1972
11	4

Key Decision

11 Children's Family Support Services - Change of provision of Family Support and Early Help services (Pages 97 - 102)

Report of the Strategic Director, Care, Wellbeing and Learning

GATESHEAD METROPOLITAN BOROUGH COUNCIL

CABINET MEETING

Tuesday, 20 November 2018

PRESENT: Councillor M Gannon

Councillors: J Adams, M Brain, A Douglas, M Foy, L Green, G Haley,
J McElroy and M McNestry

C79 **APOLOGY FOR ABSENCE**

Councillor C Donovan

C80 **MINUTES**

The minutes of the last meeting held on 16 October 2018 were approved as a correct record and signed by the Chair.

C81 **LOCAL TRANSPORT PLAN: CAPITAL PROGRAMME MID-YEAR UPDATE**

Consideration has been given to the Council's programme of investment in the local transport network, including funding received through the Local Transport Plan process.

- RESOLVED -
- (i) That the revised programme for 2018/19 as set out in appendices 2-4 of the report be approved and it be noted that there may be a need to review scheme priorities during the course of the financial year in line with the available resources.
 - (ii) That the Service Director, Development, Transport and Public Protection be authorised to award the relevant works to the Service Director, Street Scene under the terms of the Highways, Drainage and Street Lighting Maintenance Contract.
 - (iii) That the Service Director, Development, Transport and Public Protection be authorised to make changes to the approved programme following consultation with the Cabinet Member for Environment and Transport as and when the need arises.
 - (iv) That the use of the SCAPE Civic Engineering and Infrastructure Framework to appoint contractors to undertake specialist major concrete repairs to structures on the A184 at Whitemare Pool be approved.

- (v) That the indicative Integrated Transport and Maintenance programmes for 2019/20 be approved as a basis for future planning.

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.

C82

TENDERS FOR THE SUPPLY OF GOODS AND SERVICES

Consideration has been given to tenders received for the contract for the provision of an Integrated Sexual and Reproductive Health Service.

RESOLVED - That the tender received from South Tyneside NHS Foundation Trust be accepted for a 48 month period commencing 1 April 2019 with an option to extend for a further 2 x 12 month periods.

The above decision has been made for the following reasons:

- (A) A comprehensive evaluation of the tender received from South Tyneside NHS Foundation Trust has been undertaken. The tender received from South Tyneside NHS Foundation Trust passed all the required evaluation criteria and was the only compliant bid received to deliver this contract.
- (B) The tender received from Community Based Care Health Ltd was deemed to be non-compliant as its costs considerably exceeded the maximum annual budget of £1,125,000 stated in the tender documents and therefore could not be considered to deliver this contract.

C83

REVISIONS TO THE COUNCIL'S RETIREMENT POLICY AND REDUNDANCY POLICY

Consideration has been given to a revised Retirement Policy and Local Government Pension Scheme Discretions Policy and also a revised Redundancy Policy.

RESOLVED - That Council be recommended to:

- (i) approve the attached revised Retirement and Redundancy Policies, which include the Council's policy on pension discretions; and
- (ii) authorise the Strategic Director, Corporate Services and Governance, following consultation with the Leader of the Council, to make any minor amendments to the policies that may be

required following further consultation with Trade Unions.

The above decisions have been made for the following reasons:

- (i) To ensure the Retirement Policy reflects current good practice, taking into account the Council's ongoing financial position, and the fact that releasing pension on an unreduced basis can result in a significant associated cost for the Council in the form of a 'strain on the fund'.
- (ii) To reflect in the Retirement Policy the most recent updates to the Local Government Pension Regulations.
- (iii) To ensure that employees do not have unrealistic expectations of the ability to secure voluntary redundancy at age 55 by providing clarification in the Redundancy Policy that applications for voluntary redundancy will be approved only where to do so will clearly support effective business planning and service delivery; and, will take into account the cost to the Council.

C84

GAMBLING STATEMENT OF PRINCIPLES 2019 - 2022

Consideration has been given to a Statement of Principles for 2019-22 in accordance with the Gambling Act 2005.

RESOLVED - That the Council be recommended to adopt the amended Gambling Statement of Principles, as set out in appendix 4 of the report, and to publish it in accordance with the requirements of the Gambling Act 2005.

The above decision has been made to ensure that the Council's functions under the Gambling Act 2005 can be discharged effectively.

C85

CAPITAL PROGRAMME AND PRUDENTIAL INDICATORS 2018/19 - SECOND QUARTER REVIEW

Consideration has been given to the latest position on the 2018/19 Capital Programme and Prudential Indicators at the end of the first quarter to 30 September 2018.

RESOLVED - That Council be recommended to:

- (i) to agree all variations to the 2018/19 Capital Programme as detailed in Appendix 2 as the revised programme.

- (ii) to agree the financing of the revised programme.
- (iii) confirm 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 2018/19 have been breached.

The above decisions have been made for the following reasons:

- (i) To ensure the optimum use of the Council's capital resources in 2018/19.
- (ii) To accommodate changes to the Council's in-year capital expenditure plans.
- (iii) To ensure performance has been assessed against the approved Prudential Limits.

C86 CAPITAL STRATEGY 2018/19 TO 2023/24

Consideration has been given to the Capital Strategy for 2018/19 to 2023/24 to support the framework used to set and monitor the Capital Programme.

RESOLVED - That the Council be recommended to agree the Capital Strategy 2018/19 to 2023/24, attached at Appendix 2 to the report.

The above decision has been made to ensure that the Council fully complies with the requirements of good financial practice in capital accounting.

C87 LOCAL COUNCIL TAX SUPPORT SCHEME FOR 2019/20

Consideration has been given to a Local Council Tax Support Scheme for 2019/20.

RESOLVED – That Council be recommended to:

- (i) approve the proposed scheme as set out in paragraphs 7 and 8 of the report; and
- (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:

- (i) To meet the statutory requirements of the Local Government Finance Act 2012 in relation the

establishment of a framework for Localised Council Tax Support.

- (ii) To mitigate the impact of budget cuts and other Welfare Reform changes on Council Tax support claimants.
- (iii) To mitigate the impact of funding reductions on Council finances.
- (iv) To support the Council's "Thrive" policy priority.

C88 BUDGET CONSULTATION

Consideration has been given to a proposal to consult on the Council's budget framework and proposals as part of the budget setting process for 2019-20.

RESOLVED - That consultation be undertaken on the budget proposals for the period 2019/20 contained within this report.

The above decision has 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.

C89 REVENUE BUDGET - SECOND QUARTER REVIEW 2018/19

Consideration has been given to the latest monitoring position on the 2018/19 revenue budget at the end of the second quarter to 30 September 2018.

- RESOLVED -
- (i) That the Council's revenue expenditure position at 30 September 2018, as set out in Appendix 1 of the report, be noted.
 - (ii) That the administrative virement, outlined in paragraph 9 of 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.

C90 SAFEGUARDING CHILDREN UNIT ANNUAL REPORT AND THE LOCAL AUTHORITY DESIGNATED OFFICER (LADO) ANNUAL REPORT 2017/18

Consideration has been given to the Safeguarding Children Unit Annual Report and the Local Authority Designated Officer Annual Report 2017/18 in respect of managing allegations against adults who work with children.

RESOLVED - That the Safeguarding Children Unit Annual Report 2017/18 and the Local Authority Designated Officer Annual Report 2017/18 be endorsed.

The above decisions have been made for the following reasons:

- (i) To ensure the Council is meeting its statutory duties.
- (ii) To continue to ensure that the needs of children, young people and families continue to be met.

C91 **SAFEGUARDING BOARDS UPDATE**

Consideration has been given to the Gateshead Safeguarding Adults Board and Local Safeguarding Children's Board Annual Reports.

RESOLVED - That the Annual Reports and Strategic Plans be endorsed.

The above decision has been made to ensure that statutory duties of the Gateshead Local Safeguarding Children's Board and Gateshead Safeguarding Adults Board are met.

C92 **NOMINATION OF A LOCAL AUTHORITY SCHOOL GOVERNOR**

Consideration has been given to the nomination of a Local Authority Governor to a school seeking to retain their Local Authority governor in accordance with The School Governance (Constitution) (England) Regulations.

- RESOLVED -
- (i) That Councillor Anne Wheeler be reappointed as a Local Authority Governor to The Drive Community Primary School for a four year period with effect from 14 February 2019.
 - (ii) That the term of office as determined by the schools' Instrument of Government be noted.

The above decisions have been taken to ensure the school has a full governing body membership.

C93 **GATESHEAD HIGHWAY ASSET MANAGEMENT PLAN AND THE NEW CODE OF PRACTICE FOR WELL MANAGED HIGHWAY INFRASTRUCTURE**

Consideration has been given to a revised strategy towards Highways Asset Management 2018-30 in Gateshead, associated documentation, and adoption of the New Code of Practice for Well Managed Highway Infrastructure 2016 which has provided the guidance for the development of the revised approach, including a new risk based approach to managing the highway network.

- RESOLVED -
- (i) That the revised strategy for highways asset management in Gateshead, including the Highway Asset Management Framework, the revised Highway Asset Management Plan and the

Highway Maintenance Plan be approved.

- (ii) That the New Code of Practice for Well Managed Highway Infrastructure 2016 be adopted.

The above decisions have been made for the following reasons:

- (i) To provide the basis for improved management and maintenance of Gateshead's highway network and ensure the effective use of resources.
- (ii) In order to maximise external funding streams awarded to authorities who carry out effective highway management.

C94 **CORPORATE COMPLAINTS AND COMPLIMENTS PROCEDURE - ANNUAL REPORT 2017/18**

Consideration has been given to an analysis of the complaints and compliments recorded during 2017/18.

- RESOLVED -
- (i) That the Corporate Complaints and Compliments Procedure Annual Report for 2017/18 be approved.
 - (ii) That it be noted that the report will be considered by the Corporate Resources Overview and Scrutiny Committee.

The above decisions have been made to have an effective and timely complaints procedure.

C95 **PETITIONS SCHEDULE**

Consideration has been given to an 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 Cabinet of progress made on the petitions.

C96 **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.

C97

REVIEW OF STRATEGIC RISK REGISTER

Consideration has been given to a revised Strategic Risk Register as a framework for the reporting and management of strategic risks.

RESOLVED - That the revised Strategic Risk Register, at appendix 2 of the report, and its continued use as the basis for regular reporting on strategic risks to the Audit and Standards Committee be approved.

The above decision has been made to ensure that the Strategic Risk Register continues to provide a relevant and robust framework for the management and reporting of the Council's strategic risks.

C98

PROPOSED LEASE BILL QUAY FARM

Item withdrawn.

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: 22 November 2018

Chair.....



REPORT TO CABINET
18 December 2018

TITLE OF REPORT: Tender for the Supply of Goods and Services

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

Purpose of the Report

1. The purpose of this report is to ask Cabinet to consider the evaluation of a single tender received for the Contract for a Licensed Energy Supplier and Energy Management of Void Properties.
2. The background to the proposal is contained in the attached appendix.

Proposal

3. Cabinet is asked to agree the recommendation below.

Recommendations

4. It is recommended Cabinet agree that the tender received from Emrgnt Systems Ltd (consortia bid including Robin Hood Energy) be accepted for the Contract for a Licensed Energy Supplier and Energy Management of Void Properties for a 36 month period commencing 1 March 2019 with an option to extend for a further 2 x 12 month periods.

For the following reason:-

A comprehensive evaluation of the tender received from Emrgnt Systems Ltd has been carried out. The tender received from Emrgnt Systems Ltd passed all the required evaluation criteria and was the only bid received to deliver this contract.

CONTACT: Andrea Tickner

Extension: 5995

Contract for a Licensed Energy Supplier and Energy Management of Void Properties

Policy Context

1. The contract for a Licensed Energy Supplier and Energy Management of Void Properties has been organised in accordance with the Council's Contract Procedure Rules.

Background

2. The Contract is being arranged on behalf of the Energy Services Team, Council Housing, Design and Technical and The Gateshead Housing Company.

In January 2018, the Council ran a "partner selection process" to find a licenced energy supplier, to help the Council provide lower-cost energy tariffs to residents, and to provide bespoke services to allow the Council to supply electricity direct to customers in some high-rise housing blocks.

Unfortunately, no bids were received for that process, and the market feedback was that the opportunity was not significant enough, and the proposal was too bespoke.

Following a further options appraisal, the Council developed a revised tender opportunity that would be more appealing to potential bidders, while still delivering on the Council's requirements.

The revised tender was split into the following lots:

- Lot 1 – Electricity supply / metering for domestic private wire systems.

These services are required to enable the Council to deliver the Gateshead High Rise Energy Infrastructure for Gateshead Housing Tenants (HEIGHTs) project whereby the Council are in the process of installing a small scale combined heat and power generator and a new electrical distribution network, at Barford and Stretford Courts. This innovative scheme, enables the Council to generate, distribute and supply electricity across a small private wire network to 154 domestic properties within two residential high-rise blocks with the assurance that customers (both the Council and domestic residents) are billed correctly for their electricity usage, and that the Council is reimbursed for the electricity it generates on site.

- Lot 2. Energy supply contracts and management services for void Council homes.

This service is required by The Gateshead Housing Company to manage the energy supply and metering arrangements for Council homes when they become void. The service will include meter repairs and replacements with smart, prepayment meters during the void period, zero standing charges

during the void period, resolving any issues on the outgoing account, and providing the incoming tenants with competitive energy tariffs.

The contract is for a 36 month period commencing 1 March 2019 with an option to extend for a further 2 x 12 month periods.

A single tender was received from 1 bidder, Emrgnt Systems Ltd (consortia bid including Robin Hood Energy) for both lots.

Consultation

3. Consultation has taken place with Stakeholders and Suppliers during the development of the specification model.

Alternative Options

4. The anticipated value of this contract exceeded the threshold requiring competitive tenders to be invited in accordance with the EU Public Procurement Directives; therefore, there are no alternative options

Implications of Recommended Option

5. Resources:

- a) **Financial Implications** – The Strategic Director Corporate Resources confirms that for:
Lot 1 - the Council will be required to initially pay the cost of all new Smart meters installed in to residents' homes and will own these assets at the end of the Contract term, however, the costs of the contract are to be covered fully by incomes received from selling power to residents; and
Lot 2 - there is no cost for the services, and the supplier will pay a small referral fee to the Gateshead Housing Company for every new supply account.
- b) **Human Resources Implications** – Nil
- c) **Property Implications** – Lot 1 - New Smart meters will be installed into the individual homes of residents as opposed to being kept in a communal space within the building as has been the case previously.
Lot 2 – the service aims to accelerate resolution of energy issues in void properties to reduce the timescale of voids.

6. **Risk Management Implication** – Nil for Residents or Community

7. **Equality and Diversity Implications** – The recommended tenderer meets the legal obligations of the Equality Act 2010.

8. **Crime and Disorder Implications** – Nil

9. **Health Implications** – Nil

10. **Sustainability Implications** – Nil

11. Human Rights Implications - Nil

12. Area and Ward Implications – The contract benefits all wards

Background Information

13. The documents that have been relied on in the preparation of the report include the received tender.



REPORT TO CABINET
18 December 2018

TITLE OF REPORT: Allotment Portfolio – Rent Review 1 April 2019

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

Purpose of the Report

1. This report seeks Cabinet’s approval to the proposed increase in allotment rents (as set out in Appendix 2) with effect from 1 April 2019 and requests Cabinet recommend that the Council includes the increased rental levels in the schedule of fees and charges for 2019/20.

Background

2. The Council owns and manages 59 allotment sites with approximately 1310 plots.
3. Under the terms of the standard tenancy agreement, allotment rents can be increased every three years with the next increase due 1 April 2019.
4. The current rental levels have been in place since 1 April 2016.
5. The Council continues to subsidise the cost of allotments, although the subsidy was reduced significantly following the rent increase in 2016. The proposed rent increases would contribute toward reducing the subsidy further.

Proposal

6. It is proposed to increase the rents for allotments by the rate of inflation over the three years since the last increase on 1 April 2016, with effect from 1 April 2019 to the levels set out in the table in Appendix 2.

Recommendations

7. It is recommended that Cabinet:
 - (i) approves the proposed increases in rent as set out in Appendix 2; and
 - (ii) recommends that Council includes the increased rental levels in the schedule of fees and charges for 2019/20.

For the following reasons:

To manage the Council's assets in line with the Corporate Asset Strategy and Management Plan through reducing the current subsidy arising from the management of the allotment portfolio and increasing rents in line with the current allotment tenancy agreements.

CONTACT: Steve Hayles extension 3466

Policy Context

1. The proposed rent increase is consistent with the overall vision for Gateshead as set out in Making Gateshead a Place Where Everyone Thrives. In particular, making provision of allotments at an affordable rent to support and encourage people to improve their health and wellbeing.
2. The proposal will also accord with the provisions of the Corporate Asset Strategy and Management Plan 2015-2020. In particular, using assets for the benefit of residents and ensuring they are effectively managed.

Background

3. The Council owns and manages 59 allotment sites with approximately 1300 plots. The majority of the sites (34 sites and approximately 900 plots) are managed on a day to day basis by allotment associations. The remaining 25 sites (approximately 400 plots) are managed directly by the Council.
4. The current total annual rent collected is in the region of £50,000 per annum.
5. Based on current information and forecasts the costs to maintain the allotments in 2018/19 will be in the region of £50,000. Staffing costs amounted to £60,000 in 2017/18 and are expected to be at a similar level in 2018/19: therefore the Council is in effect subsidising the provision of allotments to the value of £60,000.
6. Under the terms of the standard tenancy agreement, allotment rents are increased every three years with the next increase due 1 April 2019.
7. On 9 February 2016, Cabinet approved an above inflation rent increase for the rent review due on 1 April 2016.
8. As part of this process consideration has also been given to the level of rent increases being proposed. As can be seen from Appendix 2 (Table 1) Gateshead Council allotment rents are currently toward the lower end of the rental range charged by other local authorities in the region.
9. A 2018 survey undertaken by the Association of Public Service Excellence (APSE) highlights that most local authorities are now implementing charges which at least cover the cost of maintenance rather than subsidising the allotment service which for many would have been the previous practice. The survey also found that the largest proportion of local authorities now charge over £70 per annum to rent an allotment.
10. However, the APSE survey also notes that it is unlikely that local authorities will ever make high levels of income from allotments with many continuing to subsidise them, recognising that they are a key community asset.

11. Further, councils are not entirely free to set allotment rents: the key test established in case law for rent increases is comparability with charges for other leisure services, rather than rents charged by the Council for its other tenanted properties.
12. However, the relevant allotment legislation councils must have regard to in setting allotment rents is section 10 of the Allotments Act 1950, which provides that an allotment '*shall be let at such rent as a tenant may reasonably be expected to pay*'. In determining what this is, the High Court has held in a recent case that an authority should:

"listen to representations made by interested parties...and take into account all relevant circumstances in a broad, common sense way, giving such weight as it thinks right to the various factors in coming to a conclusion that it thought right and fair"
13. The High Court also considered that a valuation exercise with reference to the rents charged by other authorities was appropriate; and while the cost of providing the service might be a relevant factor, it could not be the only factor.
14. Based on the above estimates it is expected that a rate of inflation increase with effect from 1 April 2019 as per the Appendix 2 (Table 2) has the potential to cover day to day maintenance costs (not excluding staffing costs) and increase income by £6,000 per annum to £56,000.
15. For the average sized allotment this would mean an increase from £52 to £57 per annum. This figure is seen as striking an appropriate balance between cost recovery and affordability for residents across the borough.
16. Rents would not be reviewed again until 1 April 2022.

Consultation

17. In preparing this report, consultations have taken place with the Leader and the portfolio holder for Communities and Volunteering. There were no objections.
18. Representatives from the two largest allotment associations have been consulted. There were no objections.

Alternative Options

19. An alternative option is to not exercise the rent review. This has been discounted as the rents at the Council would lose the opportunity to further reduce the subsidy.
20. The other option is to increase rents beyond inflation which may be deemed excessive following the above inflation increase in 2016 and may also have bearing on affordability.

Implications of Recommended Option

21. Resources:

- a. **Financial Implications** – The Strategic Director, Corporate Resources confirms that the proposed increase in allotment rents will generate an additional £6,000 income to the Council which will contribute towards recovering the cost of delivery of this service / facility.
- b. **Human Resources Implications** - There are no human resource implications arising from this report.
- c. **Property Implications** – Increasing the rents in line with inflation ensures that the Council mitigates its costs in managing the allotments whilst taking into account affordability for the allotment holders

22. **Risk Management Implication** – There are no additional risk management implications arising from this report.

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

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

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

26. **Sustainability Implications** – It is not considered that raising rents will impact on the number of allotments let.

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

28. **Area and Ward Implications** – All

APPENDIX 2

Table 1: Comparison of Allotment Rents Across Authorities in North East

	Gateshead	Gateshead (proposed)	Newcastle	Durham	South Tyneside	North Tyneside	
< 200 m2	38.00	42.00		47.00	64.00 to 95.00	Up to 76.00	
201-300 m2	52.00	57.00	50.00*	49.00 to 51.00	90.00 to 118.00	76.00 to 114.00	
301-400 m2	70.00	77.00		53.00 to 55.00	125.00 to 139.00	114.00 to 152.00	

- * Newcastle City Council only provide an average allotment rent

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:
 - Social Housing Green Paper – Ministry of Housing, Communities and Local Government (MHCLG) – Appendix 1
 - Call for evidence on Social Housing Regulation - MHCLG – Appendix 2
 - Use of receipts from Right-to-Buy sales – MCCLG – Appendix 3
 - Planning Reform on supporting the high street and increasing the delivery of new homes – MHCLG – Appendix 4

Background

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

Proposal

3. To endorse the responses set out in the attached appendices.

Recommendation

4. It is recommended that Cabinet endorses the consultation responses set out in the attached appendices.

For the following reason:

To enable the Council to contribute responses to the consultations.

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Response of Gateshead Council to Government (Secretary of State for MHCLG - Aug 2018) Consultation on the Social Housing Green Paper

Policy Context

1. In August 2018 the Government issued a consultation on its Social Housing Green Paper “A new deal for social housing” setting out a fundamental shift in its approach to social housing. It is “not just about creating a safety net, but about providing homes based on individuals’ needs rather than solely their ability to pay. Social housing helps to keep neighbourhoods diverse and integrated, and it provides the stability people need to build lives and strong communities”.

Background

2. The consultation was issued on 14th August, with a deadline of 6th November.
3. The comprehensive content of the Green Paper and the timescale set necessitated a response to the consultation being submitted in advance of Cabinet, however, Housing and Economy, Portfolios were consulted on the draft response.
4. There are 48 questions in the consultation paper; the response submitted on behalf of the Council is set out in the attached annex.

The Green Paper

5. The Government recognises that not everyone will be able to meet their housing need through the market, and states it is committed to “getting more of the right homes built in the right places, sold or rented at prices local people can afford – and that includes building a new generation of council homes to help fix our broken housing market”.
6. The Paper recognises the particular role of social housing in providing supported housing for vulnerable people, those in crisis, older people, and people with learning difficulties and mental ill-health.
7. The Government proposes to:
 - i. support local authorities to build by allowing them to borrow,
 - ii. explore new flexibilities over how they spend Right to Buy receipts, and **not** requiring them to make a payment in respect of their vacant higher value council homes.
 - iii. support housing associations to build by providing funding certainty through strategic partnerships.
 - iv. consider how to help people buying shared ownership properties to build up more equity in their homes
 - v. not to implement at this time the provisions in the Housing and Planning Act to make fixed term tenancies mandatory for local authority tenants.
8. The Green paper also focuses on balancing tenant/landlord relationships, covering a number of key issues:
 - i. Ensuring homes are safe and decent
 - ii. Effective resolution of complaints
 - iii. Empowering residents and strengthening the Regulator
 - iv. Tackling stigma and celebrating thriving communities

- v. Expanding supply and supporting home ownership

Ensuring homes are safe and decent

9. The first principle is about ensuring homes are safe and decent. The concern is about safety, but also maintenance, repairs and poor living conditions.
10. The Government has announced £400 million funding for local authorities and housing associations to remove and replace unsafe aluminium composite material cladding on social residential buildings 18 metres or over that they own, and financial flexibilities are available to local authorities for other essential fire safety work.
11. Government has consulted on significantly restricting or banning the use of “desktop studies” to assess cladding systems, and is consulting on banning the use of combustible materials in the external walls of high-rise residential buildings.
12. The Paper also refers to recommendations made in Dame Judith Hackitt’s review “*Independent Review of Building Regulations and Fire Safety*” published 17 May 2018.
13. The Government wants to use the Green Paper to promote a review of the standard set for social homes. The Regulator of Social Housing (“the Regulator”); now Homes England, currently requires that social homes meet the Decent Homes Standard (A parallel consultation was issued, and a separate report is provided on the Government’s consultation on the social housing regulatory regime).

Effective resolution of complaints

14. The Government is concerned that residents should have a stronger voice to influence decisions and challenge their landlord to improve performance. They want to see swift and effective resolution of disputes; a common perception is that the process of redress takes too long.
15. Social housing landlords are required to provide residents with a complaints handling service, to publish information on the nature and number of complaints received and to inform residents of how information on complaints is used to improve services.
16. If residents are unhappy at the end of this process, the resident can refer their complaint to a “designated person” (such as a local MP, councillor or tenant panel) but if they do not want to do this, or the designated person does not resolve or refer it themselves, a resident must wait for eight weeks before the complaint can be referred to the **Housing Ombudsman**. (The process is known as the “democratic filter”; which doesn’t apply in most non- housing sectors)
17. Residents can also approach the **Regulator of Social Housing** directly with their complaint at any time. However, the Regulator only acts in such circumstances where there is evidence of systemic, corporate failure of an organisation rather than individual issues.

Empowering residents and strengthening the Regulator

18. The Government’s aim is to empower residents and make sure their voices are heard. The objective is to drive better services and ensure residents have more choice and control.

19. The proposal is to strengthen the Regulator, so it not only focuses on the governance and financial viability of housing providers, but also on how residents are treated and the level of services they should expect.
20. To achieve this, the Government considers that performance data needs to be published in a clear, regular and consistent format, and so propose that the performance of all landlords should be assessed against a number of agreed and meaningful key performance indicators.

Tackling stigma and celebrating thriving communities

21. The Green Paper suggests that people's experience of living in social housing could be improved, by encouraging greater professionalisation and a customer service culture in housing management.

Expanding supply and supporting home ownership

22. The Government has announced a further £2 billion in the Affordable Homes Programme, alongside the flexibility for schemes to offer Social Rent, and support for increased local authority borrowing by £1 billion. Strategic partnerships are being developed with larger housing associations, and housing associations are being offered longer term funding certainty to help them deliver more homes.
23. The Green Paper states that the Government will not require local authorities to make a payment in respect of their vacant higher value council homes, and they are exploring new flexibilities over how Right to Buy receipts can be used (a separate response on the Government's consultation on the use of Right to Buy receipts has also been presented in this report at appendix 3). The Government is also proposing to help those in shared ownership to progress to outright ownership more easily.
24. The Government is also consulting on longer tenancies in the private rented sector, and are now proposing **not** to implement ("at this time") the provisions in the Housing and Planning Act 2016 to make fixed term tenancies mandatory for local authorities.

Implications for Gateshead

25. The shift in the Government's position on the role and value of social housing is welcomed, including its commitment to support the delivery of new affordable homes, including council housing, and the reversal of the intention to require local authorities to make a payment in respect of their vacant higher value council homes. There is still, however, an underlying theme of home ownership within the paper.
26. The need to ensure consistency and good practice in property and tenancy management, and provision of tenant focused services across the sector is also supported.
27. The concern is, however, that announcements within the Green Paper, whilst generally positive, are likely to offer a centralised, one size fits all approach. An apparent focus of available funding on local authority areas where the demand for social housing appears highest will not ensure local needs are met, and potential additional administrative burdens may not be proportionate to or reflective of local circumstances or priorities.
28. The Green Paper won't address many of the current issues evident in Gateshead:
 - i. balancing the HRA; ensuring its sustainability.
 - ii. loss of stock due to right-to-buy, at significant discounts
 - iii. Development viability

Implications of Recommended Option

29. Resources:

- a) Financial Implications** – The Strategic Director, Corporate Resources confirms any financial implications as a result of the consultation will be the subject of a future report.
- b) Human Resources Implications** – No human resources implications.
- c) Property Implications** – No property implications.

30. Risk Management Implication – No risks associated with the consultation.

31. Equality and Diversity Implications – No equality and diversity implications

32. Crime and Disorder Implications – No crime implications.

33. Health Implications – No health implications.

34. Sustainability Implications – No sustainability implications directly arise from this report

35. Human Rights Implications - No human rights implications.

36. Area and Ward Implications – The detail of this consultation would impact on all Ward Areas.

Gateshead Response to the consultation:

Ensuring homes are safe and decent

Question 1:

1. How can residents best be supported in this important role of working with landlords to ensure homes are safe?
 - i. *Resident engagement strategy – how info on safety will be shared; how issues will be identified and reported?*

Gateshead's Answer Q 1

- Providing residents with a user friendly, annual safety report; covering gas, electrics, fire safety, HHSRS compliance
- Make available a dedicated help line/e-mail to deal with safety matters
 - With a requirement for landlords to report on their response rate and case outcomes
- Provision of home hazard awareness training for tenants

Question 2:

2. Should new safety measures in the private rented sector also apply to social housing?
 - i. *For example, in 2015, we introduced a requirement to install smoke alarms on every storey in a private sector rented home, and carbon monoxide alarms in every room containing solid fuel burning appliances. Government has recently announced that there will be a mandatory requirement on landlords in the private rented sector to ensure electrical installations in their property are inspected every five years.*

Gateshead's Answer Q 2

- Yes, standards should apply to all rented properties; no one should be prejudiced because of the tenure of housing they live in. This should be done in a way that is proportionate and recognises that different types of property may require different measures.

Question 3:

3. Are there any changes to what constitutes a Decent Home that we should consider?
 - i. *In reviewing the Decent Homes Standard, where practicable we will also consider the outcome of the Government's consultation on 'The Clean Growth Strategy' on whether the energy performance of social homes should be upgraded to Energy Performance Certificate Band C by 2030 where practical, cost-effective and affordable*

Gateshead's Answer Q 3

- Rather than change, there should be re-education on the Decent Homes Standard, and reinforcement that this includes compliance with Housing Health & Safety Rating System (HHSRS). There is a tendency for social housing providers to focus on the decency aspects, whereas the private sector looks towards compliance with HHSRS.
- There must be a continued recognition of the importance of safeguarding the long-term financial sustainability of social housing providers, and providers should be encouraged and supported to develop new models for capital investment (including for energy efficiency), and repairs and maintenance services that will be sustainable, whilst being customer focused.

Question 4:

4. Do we need additional measures to make sure social homes are safe and decent?

Gateshead's Answer Q 4

- This would not be necessary if the Decent Homes Standard was interpreted correctly, however, the underlying cost implications must be addressed.

- Allowing Local Authorities to retain a greater proportion of right-to-buy capital receipts, and greater flexibility in their use would help Local Authorities with delivery, and acceleration, of investment plans, whilst maintaining affordable rents for residents.

Effective Resolution of complaints

Question 5:

5. Are there ways of strengthening the mediation opportunities available for landlords and residents to resolve disputes locally?
 - i. *See consultation “strengthening consumer redress in the housing market” – how to make in-house complaints processes and redress schemes better*
 - ii. *Alternative dispute resolution and mediation services*

Gateshead’s Answer Q 5

- Care would be needed to ensure the process is not lengthened
- Sharing of best practice would be supported.

Question 6:

6. Should we reduce the eight-week waiting period to four weeks, or should we remove the requirement for the “democratic filter” stage altogether?
 - i. *Reforming the filter stage would require primary legislation*

Gateshead’s Answer Q 6

- The removal of the democratic filter should be avoided, however, four weeks would be more reasonable
- A methodology and process of best practice, would be helpful to ensure a consistent approach is provided.

Question 7:

7. What can we do to ensure that the “designated persons” are better able to promote local resolutions?
 - i. *what more could be done in the meantime to help ensure that “designated persons” better understand their role and help to deliver swift local resolutions for residents.*

Gateshead’s Answer Q 7

- Effective and periodic training, properly resourced.
- Use of real-life examples of solutions to help guide decisions.

Questions 8-11:

8. How can we ensure that residents understand how best to escalate a complaint and seek redress?
 - i. *for example, supplying details on redress options at every new letting*
9. How can we ensure that residents can access the right advice and support when making a complaint?
 - i. *Do more residents need to be able to access independent advice and advocacy?*
10. How can we best ensure that landlords’ processes for dealing with complaints are fast and effective?
 - i. *One option might be for the Regulator to set out more specific timescales in a Code of Practice*
11. How can we best ensure safety concerns are handled swiftly and effectively within the existing redress framework?
 - i. *Pending consideration of the “strengthening consumer redress in the housing market” consultation.*

Gateshead’s Answer Q 8-11

- The primary responsibility should be on the landlord to provide information about the complaints process. Regular contact with tenants should be an essential part of a customer focused, well run property and tenancy management service. This could be supported by codes of conduct issued by the Regulator with a proportionate, periodic assessment of compliance regime, however, this should be a framework and not prevent flexibility that delivers positive outcomes.
- The use of model welcome/information packs that are updated annually, or in response to key changes, and include clear advice and explanation of processes and procedures, to help tenants:

- understand their rights and responsibilities
- understand the rights and responsibilities of their landlord
- This could be linked to a requirement to provide tenants with annual safety reports
- The timeframe for responding to complaints is important, however, there are other measures of quality based on outcomes for residents and landlords.

Empowering residents and strengthening the Regulator

Question 12:

12. Do the proposed key performance indicators cover the right areas?
- keeping properties in good repair;
 - maintaining the safety of buildings;
 - effective handling of complaints;
 - respectful and helpful engagement with residents; and,
 - responsible neighbourhood management, including tackling anti-social behaviour
- Are there any other areas that should be covered?

Gateshead's Answer Q 12

There should be consistency, however, disproportionate and unwieldy national monitoring can be counterproductive. Councils should be supported to have their own robust approach to understanding performance, sustaining relationships with tenants, and seeking evidence of resident's satisfaction. Ensuring compliance with a code of conduct of framework may be more effective.

Other important indicators include:

- Management of empty properties
- Effective management of rent arrears
- Good management of possession cases - Gateshead's intention is to set out in its Strategic Tenancy Policy an expectation for registered providers to include the statutory provisions on review of possession proceedings in their tenancy policies. The Localism Act sets out statutory provisions for local authorities on the process to be followed when recovering possession (and reviewing decisions to seek possession) of Flexible Tenancies.
- Length of tenancy
- Number of supported tenancies provided, homelessness prevented.

Questions 13-15:

13. Should landlords report performance against these key performance indicators every year?
14. Should landlords report performance against these key performance indicators to the Regulator?
15. What more can be done to encourage landlords to be more transparent with their residents?

Gateshead's Answer Q 13-15

- Annual reporting could be appropriate; however, it should be focused and proportionate to ensure it genuinely exposes good and poor practice and delivers clear outcomes.
 - League tables do not help shine a light on issues and their root causes, they risk being an administrative burden adding little value.
 - Evidence of regular, meaningful engagement between residents and providers should be provided, and good practice shared.
16. Do you think that there should be a better way of reporting the outcomes of landlords' complaint handling? How can this be made as clear and accessible as possible for residents?
- i. The Regulator already expects landlords to publish information about complaints each year, but approaches vary. We are considering setting out a consistent approach on how landlords should report their complaint handling outcomes, by asking them to report how many complaints were resolved, how many were resolved after repeated complaints and how many were referred to the Housing Ombudsman*

Gateshead's Answer Q 16

- It may be more meaningful if the type of complaints and type of issue were reported to identify common or repeat issues.

Questions 17-18:

17. Is the Regulator best placed to prepare key performance indicators in consultation with residents and landlords?
18. What would be the best approach to publishing key performance indicators that would allow residents to make the most effective comparison of performance?

Gateshead's Answer Q 17-18

- This should be developed in consultation with local authorities.
- Annual reporting would allow year on year comparisons; however, it should be linked with analysis and improvement or change planning.

Question 19:

19. Should we introduce a new criterion to the Affordable Homes Programme that reflects residents' experience of their landlord? What other ways could we incentivise best practice and deter the worst, including for those providers that do not use Government funding to build?

Gateshead's Answer Q 19

- It could be very difficult to ensure robust, equitable and fair assessment. It would seem more appropriate to work with landlords to change practice in a timely way, not just where funding need arises.
- How would landlords dealing with the most vulnerable tenants, and those with challenging behaviour and lifestyles be considered and supported.

Question 20:

20. Are current resident engagement and scrutiny measures effective? What more can be done to make residents aware of existing ways to engage with landlords and influence how services are delivered?

Gateshead's Answer Q 20

- Landlords should be continually reviewing their approach to engagement, and this is particularly vital in the light of budget constraints and cuts affecting local authorities.

Question 21:

21. Is there a need for a stronger representation for residents at a national level? If so, how should this best be achieved?

- The Local Government Association is working with local authority landlords to look at examples of effective empowerment and engagement of their residents. From this they will produce advice and guidance for local authorities.*
- The National Housing Federation is working with housing associations to develop an accountability and transparency offer that includes a trust charter to be developed with tenants, setting out what they can expect from their landlord.*
- A number of national tenant and resident organisations in the sector have been exploring the option of an independent platform for tenants

Gateshead's Answer Q 21

- Priority should be given to supporting the improvement and empowerment of tenants at a local level matters, a national panel cannot understand the circumstances of every tenant/landlord relationship, however, sharing best practice, or raising awareness of important issues could be helpful.

Question 22:

22. Would there be interest in a programme to promote the transfer of local authority housing, particularly to community-based housing associations? What would it need to make it work?

- Local authority tenants have the right to request that their homes are transferred to a housing association, while social landlords are also free to explore alternative governance structures, including community-based models*

Gateshead's Answer Q 22

- It should be a matter for councils as to how they manage their housing stock into the future, to deliver local priorities and objectives.
- There is evidence that where Councils have transferred stock, they have lost the ability to ensure the full range of housing needs within their local area, particularly of the most vulnerable and complex, are met.

Question 23:

23. Could a programme of trailblazers help to develop and promote options for greater resident-leadership within the sector?

Gateshead's Answer Q 23

- Only if the learning from Trailblazers is disseminated in a timely and inclusive way, and provided their perspective is not narrow or weighted to specific local, provider, or geographical circumstances.

Question 24:

24. Are Tenant Management Organisations delivering positive outcomes for residents and landlords? Are current processes for setting up and disbanding Tenant Management Organisations suitable? Do they achieve the right balance between residents' control and local accountability?

- Local authority tenants have the legal right to seek to take on housing management functions themselves by exercising their statutory Right to Manage. If they are assessed as competent and have the support of tenants via a ballot they can set up a Tenant Management Organisation*
- We recognise that there have been different ways of establishing Tenant Management Organisations, as well as varied practice and experiences for residents.*

Gateshead's Answer Q 24

- No comment

Questions 25-27:

25. Are there any other innovative ways of giving social housing residents greater choice and control over the services they receive from landlords?

26. Do you think there are benefits to models that support residents to take on some of their own services? If so, what is needed to make this work?

27. How can landlords ensure residents have more choice over contractor services, while retaining oversight of quality and value for money?

Gateshead's Answer Q 25-27

- Through landlord and tenant boards, set up within the framework of the service provided by the housing provider. It would be of concern if separate mechanisms were introduced that may be under resourced and not sustainable.

Question 28:

28. What more could we do to help leaseholders of a social housing landlord?

Gateshead's Answer Q 28

- Other than providing guidance, further involvement would not be proportionate
- Sometimes leaseholders have unrealistic expectations of maintenance or capital investment costs. We have experience of requests to buy-back property from leaseholders where they have been unable to afford the ongoing maintenance or required investment in key structural or building components.

Question 29:

29. Does the Regulator have the right objective on consumer regulation? Should any of the consumer standards change to ensure that landlords provide a better service for residents in line with the new key performance indicators proposed, and if so how?

Gateshead's Answer Q 29

- Change is not considered necessary

Question 30:

30. Should the Regulator be given powers to produce other documents, such as a Code of Practice, to provide further clarity about what is expected from the consumer standards?

Is "serious detriment" the appropriate threshold for intervention by the Regulator for a breach of consumer standards? If not, what would be an appropriate threshold for intervention?

Gateshead's Answer Q 30

- This would be helpful, provided there was a genuinely collaborative approach with the sector

Questions 32-33:

32. Should the Regulator adopt a more proactive approach to regulation of consumer standards? Should the Regulator use key performance indicators and phased interventions as a means to identify and tackle poor performance against these consumer standards? How should this be targeted?
33. Should the Regulator have greater ability to scrutinise the performance and arrangements of local authority landlords? If so, what measures would be appropriate?

Gateshead's Answer Q 32-33

- See answers above

Question 34:

34. Are the existing enforcement measures set out in Box 3 adequate? If not, what additional enforcement powers should be considered?

Gateshead's Answer Q 34

- Measures should be equal across all tenures

Question 35:

35. Is the current framework for local authorities to hold management organisations such as Tenant Management Organisations and Arm's Length Management Organisations to account sufficiently robust? If not, what more is needed to provide effective oversight of these organisations?

Gateshead's Answer Q 35

- This should be a matter for local management agreements and robust performance and compliance monitoring by the local authority. Sharing of best practice would be useful.

Question 36:

36. What further steps, if any, should Government take to make the Regulator more accountable to Parliament?

Gateshead's Answer Q 36

- No additional comment

Tackling stigma and celebrating thriving communities

Question 37:

37. How could we support or deliver a best neighbourhood competition?

Gateshead's Answer Q 37

- This seems frivolous in the context of such limited resources. Facilitating the sharing of best practice could achieve wider benefit.

Question 38:

38. In addition to sharing positive stories of social housing residents and their neighbourhoods, what more could be done to tackle stigma?

Gateshead's Answer Q 38

- Reinforcement of the value of social housing, and the vital role it plays in diversifying our housing market, and in meeting local housing needs.
- Support local authorities to carry out the investment in stock and place, that will ensure long-term stock sustainability and meet residents' changing aspirations.
- Reforming Right to Buy to allow local determination, and allowing councils to keep all receipts to reinvest locally
- A review of approaches to social housing marketing and letting, to modernise and simplify.

Question 39:

39. What is needed to further encourage the professionalisation of housing management to ensure all staff deliver a good quality of service?

Gateshead's Answer Q 39

- Council's and management organisations are delivering high quality services despite significant pressures. Council's need to be supported to invest in their staff and their service, to enable current standards to be sustained and improved.

Question 40:

40. What key performance indicator should be used to measure whether landlords are providing good neighbourhood management?

Gateshead's Answer Q 40

- Monitoring of anti-social behaviour and the effectiveness of service activity in addressing issues in a robust, proportionate and timely way. Identifying barriers to good service delivery, including availability of input from other organisations.

Question 41:

41. What evidence is there of the impact of the important role that many landlords are playing beyond their key responsibilities? Should landlords report on the social value they deliver?

Gateshead's Answer Q 41

- Recognition of this would be very helpful

Question 42:

42. How are landlords working with local partners to tackle anti-social behaviour? What key performance indicator could be used to measure this work?

Gateshead's Answer Q 42

- Number and type of reported incidents, number of cases resolved, and outcomes. Monitoring of trends. It would be equally meaningful to identifying barriers to good service delivery, including availability of input from other organisations including mental health support

Question 43:

43. What other ways can planning guidance support good design in the social sector?

Gateshead's Answer Q 43

- Through the expectation of compliance, as a minimum, with Nationally Described Space Standards (NDSS), local plan policies, design frameworks.
- To support delivery where development viability is demonstrated.

Question 44:

44. How can we encourage social housing residents to be involved in the planning and design of new developments?

Gateshead's Answer Q 44

- The principles of good design and sustainable communities relates to all residents, and residents of all tenures should be encouraged to engage in the planning process.

Expanding supply and supporting home ownership

Question 45:

45. Recognising the need for fiscal responsibility, this Green Paper seeks views on whether the Government's current arrangements strike the right balance between providing grant funding for housing associations and Housing Revenue Account borrowing for local authorities.

Gateshead's Answer Q 45

- There should be at least a level playing field. Councils have the added statutory responsibility to ensure new homes meet the very diverse needs of their local communities, and the costs of delivering this should be recognised.

- Gateshead is a local authority with land and the aspiration to secure development of a range of housing to meet our local needs, however, we face significant issues of development viability that suppress delivery, and we need the tools and resources to overcome this.
- Housing associations are free to borrow whereas government restrictions on councils prevent them from doing so. The Government should consider removing the HRA debt from counting towards public sector debt measures, and allow Councils to borrow at prudential levels by lifting the HRA debt cap.
- The Right to buy framework and financial restriction on local authorities makes it extremely difficult for local authorities to deliver replacements, Councils should be allowed to retain 100 per cent of RtB sales receipts and be able to set discounts locally.

Question 46:

46. How we can boost community-led housing and overcome the barriers communities experience to developing new community owned homes?

Gateshead's Answer Q 46

- Many Community led housing groups have a will but not the land or the right resource to take development forward. Where there is a clear need for community owned homes, there is need for resources and know how to support business case development, acquisition of land, design services etc.

Question 47:

47. What level of additional affordable housing, over existing investment plans, could be delivered by social housing providers if they were given longer term certainty over funding?

Gateshead's Answer Q 47

- Significant additional delivery, provided there was a recognition of the lead-in time required to scale up programmes. Currently grant regimes include far too short application deadlines and insufficient time for delivery.

Question 48:

48. How can we best support providers to develop new shared ownership products that enable people to build up more equity in their homes?

Gateshead's Answer Q 48

- Clear guidance on benefits and real, user friendly examples of 'how it works' in practice.

Response on behalf of Gateshead Council to Government's (Secretary of State MHCLG) call for evidence on Social Housing Regulation

Policy Context

1. The current regulatory framework for social housing is set out in the Housing and Regeneration Act 2008 (as amended).
2. The 2008 Act created the social housing regulator (since Oct 2018, a standalone public body The Regulator of Social Housing; RSH) and gave it power to set standards for registered providers (only those persons on the Register are subject to regulation) in respect of the social housing that they own. These standards may be in relation to:
 - i. Consumer Standards: the nature, extent and quality of accommodation, facilities and services provided by them in connection with social housing.
 - ii. Economic standards: financial and other affairs.
3. The current regulations provide that the consumer standards that the regulator sets may incorporate rules in relation to the following matters:
 - a) criteria for allocating accommodation,
 - b) terms of tenancies,
 - c) levels of rent (and the rules may, in particular, include provision for minimum or maximum levels of rent or of increase or decrease of rent),
 - d) maintenance and repair,
 - e) procedures for addressing complaints by tenants against landlords,
 - f) methods for consulting and informing tenants,
 - g) methods of enabling tenants to influence or control the management of their accommodation and environment,
 - h) policies and procedures in connection with anti-social behaviour,
 - i) landlords' contribution to the environmental, social and economic well-being of the areas in which their property is situated, and
 - j) estate management.
4. Economic matters may include:
 - a) the management of financial and other affairs
 - b) efficiency in carrying on financial and other affairs
 - c) levels of rent
5. The regulations provide that in setting standards, the Regulator must have regard to the desirability of registered providers being free to choose how to provide services and conduct business.

Background

6. The call for evidence was issued alongside the Government's consultation on the Green Paper "A new deal for social housing" with the aim of gathering evidence to inform a review of the regulatory regime for social housing, to ensure the regime is able to deliver the objectives set out in the Green Paper.
7. The rationale is that private registered providers of social housing will continue to require access to public and private funding, and the Government wishes to ensure providers are

well run, use their assets effectively and manage risk well, in a way that encourages investment into the sector and the delivery of new homes for future residents.

8. The Government is planning to strengthen The RSH, with its consumer standards being enforced in a similar way to economic standards; a proactive rather than reactive approach, including the monitoring of performance. It is also asking whether the Regulator should have greater powers to scrutinise councils, as well as arm's length management organisations (ALMO).
9. The consultation period ran for 8 weeks, until 9th Oct 2018. This necessitated a response to the consultation being submitted in advance of Cabinet, however, Housing and Economy, Portfolios were consulted on the draft response.

Gateshead Council's response

10. There are 8 questions in the call for evidence; the response submitted on behalf of Gateshead is set out in the attached annex. The call for evidence is available on the Government's web site <https://www.gov.uk/government/consultations/review-of-social-housing-regulation-call-for-evidence>

Implications of Recommended Option

11. Resources:

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

12. **Risk Management Implication** – No risks associated with the consultation.

13. **Equality and Diversity Implications** – No equality and diversity implications

14. **Crime and Disorder Implications** – No crime implications.

15. **Health Implications** – No health implications.

16. **Sustainability Implications** – No sustainability implications directly arise from this report

17. **Human Rights Implications** - No human rights implications.

18. **Area and Ward Implications** – The detail of this consultation would impact on all Ward Areas.

Review of Social Housing Regulation – Call for evidence

Questions:

Principles of Regulation

Question 1.

We would welcome information on whether the current statutory objectives, and monitoring and enforcement powers are right, whether they need amending, and if so, how?

Gateshead's response:

- The proportionality of the regulatory regime is key. It must ensure good quality service provision; however, it is vital that regulation does not further discourage registered providers from meeting the housing needs of the most vulnerable tenants with complexities of support needs.
- Clarity would be welcomed on the scope and capacity of the Regulator in ensuring anti-social behaviour associated with tenants of registered social provider is addressed effectively and in a timely way. This is not just a general neighbourhood and community matter, but property specific issue; there are cases where local authorities are being required to take anti-social behaviour action against the tenants of registered providers when the anti-social behaviour may have been better addressed through the Registered Providers own support services, or through anti-social behaviour action by the Registered Provider with powers that were provided to RPs by the Anti-social Behaviour crime and Policing Act 2014; should this be a matter for the Regulator, and are the roles and referral mechanisms between local authorities, the Housing Ombudsman and the Regulator clear?

Question 2. We would welcome information on whether the “regulated self-assurance” approach to regulation of social housing is the right approach. If not, how should it be changed?

Gateshead's response:

- Clarity would be welcome on the role of the Housing Ombudsman and its links with the Regulator.

Economic Regulation

Question 3. We would welcome information on the effectiveness of the current approach to economic regulation.

Gateshead's response:

- No comments

Question 4. We would welcome information on any areas of the economic regulatory framework which might not work effectively or provide sufficient oversight when meeting the challenges of the evolving sector.

Gateshead's response:

- We have no indication of issues within Gateshead

The Regulatory System as a Whole

Question 5. We would welcome information on any specific issues that we should be aware of as the review progresses, to ensure that we retain a coherent regulatory framework.

Gateshead's response:

- Local authorities currently self-regulate, it would be excessively onerous if their housing revenue accounts were to be otherwise regulated.
- There should be recognition of the potentially disproportionate impact of regulation on smaller providers; this could drive more mergers, loss of diversity, loss of local connection and accountability.

Question 6. We would welcome information on any risks arising from improving the approach to consumer regulation enforcement

Gateshead's response:

- There has to be understanding of the full impact on business viability and additional burdens on revenue resources.

Relationship with the Hackitt Review

Question 7. What are your views on risks and opportunities presented by the regulatory regime suggested by Dame Judith Hackitt and how that should work with social housing regulation?

Gateshead's response:

- The Hackitt review highlights defects within the current Building Control system, and concludes that the introduction of competition within the Building Control regime through private Approved Inspectors may have resulted in a reduction in the Building Control standards.
- The Hackitt report highlighted high risk buildings and a need for a collective approach from designer, contractor, clients, Local Authority Building Control, and the Health and Safety executive in dealing with buildings of this nature. Whilst this approach would be supported, it would need to be recognised that significant additional resources would be required to enable local authorities to coordinate and contribute to the additional collective approach for high risk buildings and any subsequent social housing regime change.
- The Review highlighted that there should be a key person who would have overall responsibility during the building and refurbishment of buildings and that that responsibility should link through to the final operator/occupier of the building. This concern is supported; a lack of continuity through the life course of buildings has led to misunderstanding of safety solutions put in place and the risks associated with any subsequent changes or alterations made to a building. Any social housing regime should reflect the need for continued responsibilities during any works and the subsequent handover of properties.
- The Hackitt report's concern of a skill shortage within the BC profession and a need for a quality assured process with accountability is recognised locally in Gateshead. There is a need for experienced knowledgeable staff, with adequate resources and training.

Any Other Suggestions for Improvement

Question 8. We would welcome any further information that might inform the review of the regulatory framework.

Gateshead's response:

- No additional comments

Response of Gateshead Council to Government (MHCLG) Consultation “Use of receipts from Right-to-Buy sales”

Policy Context

1. The Government has issued a consultation on the use of receipts from all Right-to-Buy sales. The focus is on addressing the missed target of securing the replacement of homes sold, on a one-to-one basis.

Background

2. The consultation has been issued in parallel with the Social Housing Green Paper, and the Government’s announcement about the launch of a Voluntary Right-to-Buy pilot in the Midlands, giving 3,000 housing association residents the opportunity to buy their home at a discount.
3. Rather than looking at Right-to-Buy as a whole, the consultation covers very specific issues within this subject:
 - i. The timeframe for spending receipts
 - ii. Cap on the use of receipts – currently receipts can fund no more than 30% of a replacement home.
 - iii. Use of receipts for acquisition
 - iv. The use of receipts by Arm’s Length Management Organisations

Gateshead response

4. There are 8 questions in the consultation paper; the response submitted on behalf of Gateshead is set out in the attached annex.
5. The consultation period ran for 8 weeks, until 9th Oct 2018. This necessitated a response to the consultation being submitted in advance of Cabinet, however, the Cabinet Member for Housing was consulted on the draft response.

Implications of Recommended Option

6. **Resources:**
 - a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that there are no specific financial implications directly arising from this consultation response.
 - b) **Human Resources Implications** – No human resources implications.
 - c) **Property Implications** – No property implications.
7. **Risk Management Implication** – No risks associated with the consultation.
8. **Equality and Diversity Implications** – No equality and diversity implications
9. **Crime and Disorder Implications** – No crime implications.

10. **Health Implications** – No health implications.

11. **Sustainability Implications** – No sustainability implications directly arise from this report

12. **Human Rights Implications** - No human rights implications.

13. **Area and Ward Implications** – The detail of this consultation would impact on all Ward Areas.

Use of receipts from Right to Buy sales – Gateshead Response

Question 1:

We would welcome your views on extending the time limit for spending Right to Buy receipts from three years to five years for existing receipts but keeping the three year deadline for future receipts

Answer:

This would be supported, as it would allow for longer term planning.

(Note - There remains uncertainty about how the extension to Right-to-Buy within the Registered Provider sector will be funded, and whether the Government may revisit the proposal to require Local Authorities to make a contribution through having to sell stock, or through Right-to-Buy receipts).

Question 2:

We would welcome your views on allowing flexibility around the 30% cap in the circumstances set out in the consultation paper, and whether there are any additional circumstances where flexibility should be considered

Answer:

The proposed flexibility is supported; however, it would be helpful if any arbitrary cap is increased to 50% or even removed completely to allow decisions to be made on local circumstances and to support the delivery of homes that meet local housing needs. This flexibility could be required to support the supply of social rented properties or targeted against specific types of tenure, such as Supported Housing.

The ability to bid for Affordable Homes Programme funding for any top-up would be supported, however, it would be more helpful if the amount of funding awarded was based on a business case, supporting a more sustainable national housing market, rather than fixing a potentially arbitrary limit linked % of build cost.

An LGA commissioned report in early 2018, identified the benefits of discounts and caps being applied locally. In the North, there was substantial evidence that a reduction in the discount had the potential to reduce the number of social houses being sold and simultaneously increase the amount of capital retained, which would help to maintain current levels of social housing and increase the supply of new units.

Question 3:

We would welcome your views on restricting the use of Right to Buy receipts on the acquisition of property and whether this should be implemented through a price cap per unit based on average build costs.

Answer:

Gateshead Council has a presumption in favour of delivery of new build first, however, strategic acquisitions can offer more cost-effective solution, help to meet specific housing needs, address specific estate priorities, and help bring back into use empty homes, particularly where this can be blended with other funding.

If a price cap is to be considered for acquisition, it should reflect local market conditions. This would include acquiring properties above the average build costs that offer greater value for money.

Question 4:

We would welcome your views on allowing local authorities to use Right to Buy receipts for shared ownership units as well as units for affordable and social rent

Answer:

The flexibility would be welcome, however, the additional administrative burden of Shared Ownership should be recognised.

(Note - Sh Ow is an important element of our local housing offer, ensuring we can meet the range of housing needs within the Borough, including the retention of our working age, and economically active population, and build a sustainable housing market)

Question 5A:

We would welcome your views on allowing the transfer of land from a local authority's General Fund to their Housing Revenue Account at zero cost.

Answer:

This would be supported only if this would remain at the discretion of each Local Authority.

Question 5B:

We would also welcome your views on how many years land should have been held by the local authority before it can be transferred at zero cost, and whether this should apply to land with derelict buildings as well as vacant land.

Answer:

The flexibility would be welcome, but it should be at each Local Authority's discretion, and on an individual case basis, subject to the business case. Setting a limit could introduce an unnecessary, and arbitrary obstacle to sound and strategic planning.

The consultation describes land with derelict buildings in addition to vacant land but we would like to see this extended further. The transfer of any general fund land to the HRA could be justified if it's demonstrated to be advantageous as part of a wider regeneration scheme.

Question 6:

We would welcome your views on whether there are any circumstances where housing companies or Arm's-Length Management Organisations should be allowed to use Right to Buy receipts.

Only at the local authority's discretion where there is a justifiable business case in the interest of meeting local housing need.

Question 7:

We would welcome your views on allowing a short period of time (three months) during which local authorities could return receipts without added interest.

Answer:

An extension would be welcome to avoid putting development at risk, where delays in development programmes are justifiable.

Question 8:

Do you have any other comments to make on the use of Right to Buy receipts and ways to make it easier for local authorities to deliver replacement housing?

Answer:

To ensure Gateshead's wide-ranging housing needs can be met, the retention of good quality, affordable and sustainable social stock in the Borough is vital. Concerns about the disposal of social housing homes include:

- i. Net loss of affordable stock
- ii. The type and size and location of properties disposed of impacting on choice and ability to meet housing need.
- iii. Whether income from the disposal may be reinvested within the Borough.

Gateshead Council would continue to petition to keep 100% of Right-to-Buy capital receipts to be invested in Gateshead, and to allow flexible use, including on the remediation of sites, that could be bought forward for Social and Affordable rented housing.

Remove restrictions on the mix of funding types permitted to be used on individual schemes (RTB capital receipts, Homes England Grant, etc.)

Locally agreed, achievable targets (not necessarily one-for-one replacements) that consider the range & value of HRA stock sold compared to local housing needs.

The scope of the consultation was limited to use of receipts rather than the policy itself. Officers continue to lobby through our participation in the LGA for the Right to Buy to be more radically reformed. Through the LGA response to the consultation it has been argued that RTB receipts are council receipts and it should not be for the

Government to determine how they are used or to take away. It is our view that councils must be able to retain 100 per cent of receipts to invest in new and existing stock as is needed locally.

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Draft Response to the Planning Reform consultation on supporting the high street and increasing the delivery of new homes

Policy Context

1. The Ministry of Housing, Communities and Local Government (MHCLG) is consulting on planning reform proposals with the aim of simplifying and speeding up the planning system, to support the high street, make effective use of land and deliver more homes.

Background

2. Consultation on the proposed planning reform measures follows on from an updated NPPF which was published in July 2018.
3. Building on existing planning reforms, the government is consulting on proposals that will allow greater change of use to support high streets to adapt and diversify, support extending existing buildings upwards to create additional homes, and speed up the delivery of new homes.
4. The consultation includes separate proposals in respect of:
 - Part 1: new and amended permitted development rights and changes to use classes, including to support the regeneration of the high street and to extend existing buildings upwards to create new homes.
 - Part 2: the disposal of surplus local authority land - rationalising and updating the rules which govern disposal of public land at less than best value.
 - Part 3: a draft listed building consent order to support the work of the Canal & River Trust.
 - Part 4: draft guidance on the compulsory purchase powers of new town development corporations
5. Under Part 2 views are being sought on new permitted development rights to allow greater flexibility for change of use; use the airspace above existing buildings for additional new homes and extensions; remove the right to install new public call boxes and the associated advertising consent; and increase the height threshold for the installation of off-street electric vehicle charging points. It is also proposed to make permanent other existing time-limited rights, and to make an update to the Use Classes Order to reflect our changing high streets and make them more resilient.
6. Under Part 3 the Housing White Paper set out an intention to: amend planning rules to allow all authorities to dispose of land with the benefit

of planning permission which they have granted to themselves; and to consult on extending their flexibility to dispose of land at less than best consideration. Views are being sought on the second commitment. The purpose of these proposals is to streamline the involvement of the Secretary of State in the regime that governs disposal of land by local authorities at an undervalue, i.e. for less than best consideration. This is intended to give local authorities greater flexibility to dispose of public land at an undervalue where doing so is considered to deliver wider economic, social or environmental benefits.

7. The questions posed through the consultation, and draft responses, are provided in the attached annex. These broadly support the government's aim of speeding up the planning system to support centres and the High Street, to make the effective use of land and to deliver more homes. However, a number of specific proposed comments and concerns are set out, relating to some of the proposals and the potential consequences for plan-making and for the resources of local authority planning teams.
8. It is not proposed to submit any comments in regard to Parts 3 & 4 of the consultation.
9. MHCLG's deadline for consultation responses is 14 January 2019.

Consultation

10. The Cabinet Members for Environment and Transport have been consulted on the proposed response.

Alternative Options

11. Consideration has been given to some of the alternative options which are set out for some of the questions raised.

Implications of Recommended Option

12. **Resources:**
 - a) **Financial Implications** – The Strategic Director, Corporate Resources confirms no financial implications directly arise from this report
 - b) **Human Resources Implications** – No human resources implications.
 - c) **Property Implications** - No property implications.
13. **Risk Management Implication** - No risks associated with the consultation.

14. **Equality and Diversity Implications** – No implications for equality and diversity
15. **Crime and Disorder Implications** – No crime implications.
16. **Health Implications** – No health implications.
17. **Sustainability Implications** – No sustainability implications
18. **Human Rights Implications** - No human rights implications.
19. **Area and Ward Implications** – No area or ward implications

Annex

Draft Response to the Planning Reform consultation on supporting the high street and increasing the delivery of new homes

Part 1: Permitted Development Rights and Use Classes

Question 1.1: Do you agree that there should be a new permitted development right to allow shops (A1) financial and professional services (A2), hot food takeaways (A5), betting shops, pay day loan shop and launderettes to change to office use (B1)? Please give your reasons.

The Council agrees with the proposed new permitted development right in terms of providing additional flexibility, although clarification is sought as to whether this is all B1 uses or just B1a, and whether the intention is that this applies to all properties in such use, and not just those on the High Street (within town centres) as referred to in the reports narrative. For sustainability reasons the Council would suggest that this provision should be limited to Town or Local Centres. Individual shops that serve a local community may not be appropriate for office use as they may not be sited in an accessible location.

Question 1.2: Do you agree that there should be a new permitted development right to allow hot food takeaways (A5) to change to residential use (C3)? Please give your reasons.

Although the Council would agree with this proposal in terms of reducing the number of takeaways in an area contributing to wider health objectives, there could be an issue where the property concerned forms a cluster of such uses and the proposal results in a residential use next to another existing takeaway. That might lead to poor living conditions.

Question 1.3: Are there any specific matters that should be considered for prior approval to change to office use?

Parking requirements and accessibility by public transport. Impact of B1 (b or c) uses in terms of deliveries and servicing and noise generation.

Question 1.4: Do you agree that the permitted development right for the temporary change of use of the premises listed in paragraph 1.9 should allow change to a public library, exhibition hall, museum, clinic or health centre?

Yes – but consideration should be given to a size limit

Question 1.5: Are there other community uses to which temporary change of use should be allowed?

There are no obvious other community uses to which this provision could be extended.

Question 1.6: Do you agree that the temporary change of use should be extended from 2 years to 3 years?

Yes we agree - for background we have received 9 applications under this right since 2013, seven of which were changes to A3 (café/restaurant) uses. Consideration should be given to those already in their 2-year process as notifications and letters would require these to end at the two-year period. Resource implications involved in notifying of any extension.

Question 1.7: Would changes to certain of the A use classes be helpful in supporting high streets?

The Council would question how this change, along with the greater flexibility being allowed through the proposals discussed above, would impact on the character of primary shopping areas, and areas of primary retail frontage within a centre. Although it is accepted that in reality centres are changing to being less reliant on A1 retail and on that basis the proposal, on balance, has merit if limited to primary shopping areas. Shops outside of existing centres would potentially have different opening, servicing or delivery hours with an expanded use which could bring residential amenity issues.

If this is taken forward, clarity should be considered over whether and how A3 uses can have any ancillary off site sales. Consideration should be given to how future technology such as ubereats/justeat apply to A3 uses and when a mixed use would become an A5. In mixed uses as proposed this is likely to change at different times of the day and week.

Also, clarity should be given to how the A1 or mixed-use class relates to factory shops or trade counters as the introduction of a simplified retail use class should not create any further ambiguity over this significant issue.

Question 1.8: If so, which would be the most suitable approach:

- a. that the A1 use class should be simplified to ensure it captures current and future retail models; or,
- b. that the A1, A2 and A3 use classes should be merged to create a single use class?

Please give your reasons.

Under option a. the removal of specific use examples would appear a backward step in terms of providing clarity.

Option b. would appear the cleaner way forward in terms of this proposal - the inability to distinguish between a shop and a restaurant in planning terms is unlikely to have a negative impact on centres in Gateshead. Consideration should be given as to how the A3 use would be serviced (ventilation and bins storage etc.) which would be different to an A1 or A2 use.

Question 1.9: Do you think there is a role for a permitted development right to provide additional self-contained homes by extending certain premises upwards?

Potentially yes but the impact on townscape and appearance of the area would have to be considered very carefully. There may be limited take-up in Gateshead as there are very few properties with the disparity of heights described in the suggested example. It would be difficult to see how a blanket policy would be able to allow consideration of this impact to take place. This would be better utilised at a local level though the use of LDO's where the LPA considers that this policy would be appropriate.

It is not thought that this would apply to Gateshead. At most it would only be applicable to the urban core as defined in the council's Core Strategy. A better incentive would be to encourage local plans to identify areas suitable for mid to high density development whether by extension or rebuild. This would allow LPA's to set specific locally applicable limits to what it considers to be appropriate

Question 1.10: Do you think there is a role for local design codes to improve outcomes from the application of the proposed right?

The use of a design code would appear to be a good approach to managing the potential adverse impacts on the appearance of an area and townscape. However, this would inevitably have an impact on local authority planning resources in terms of drafting the code and it may be that the potential benefits in Gateshead would be clearly outweighed by the resources it takes.

Question 1.11: Which is the more suitable approach to a new permitted development right:

- a. that it allows premises to extend up to the roofline of the highest building in a terrace; or
- b. that it allows building up to the prevailing roof height in the locality?

Option b would potentially be more suitable but there may be difficulties in defining what the prevailing roof height is.

Question 1.12: Do you agree that there should be an overall limit of no more than 5 storeys above ground level once extended?

Not necessarily as it depends on what the height was to start with and the height of buildings in the locality. In some cases 5 storeys would be inappropriate.

Question 1.13: How do you think a permitted development right should address the impact where the ground is not level?

This would need to be consistent with existing caselaw on ground levels which applies to permitted development rights such as means of enclosure and householder extensions.

However, the impact of an additional storey or stories would be significantly greater on sites where there are levels differences. This is an

example of where local knowledge is essential in defining where this approach is appropriate.

Question 1.14: Do you agree that, separately, there should be a right for additional storeys on purpose built free standing blocks of flats? If so, how many storeys should be allowed?

Potentially yes. It is however, difficult to suggest an arbitrary figure of the number of storeys as local circumstances will vary. For example, a freestanding block which has been designed to dominate the local area will be more capable of accommodating additional storeys. This proves the difficulty of such permitted development rights without a judgement being made as to the impact on the appearance of the area or townscape. The method of construction may make it impractical to do.

Question 1.15: Do you agree that the premises in paragraph 1.21 would be suitable to include in a permitted development right to extend upwards to create additional new homes?

Agree, to a certain extent. However, the mixing of residential and certain noisy or odour causing commercial uses may lead to unacceptable living conditions in the future and cause an “agent of change” where the viability of businesses is threatened due to complaints.

Question 1.16: Are there other types of premises, such as those in paragraph 1.22 that would be suitable to include in a permitted development right to extend upwards to create additional new homes?

Yes, premises that would not generally cause future amenity issues for residents could be considered. In out of town locations, sites that are not accessible (or could be made so) by public transport, walking and cycling should not be considered.

Question 1.17: Do you agree that a permitted development right should allow the local authority to consider the extent of the works proposed?

Yes

Question 1.18: Do you agree that in managing the impact of the proposal, the matters set out in paragraphs 1.25 -1.27 should be considered in a prior approval?

Yes

Question 1.19: Are there any other planning matters that should be considered?

The considerations essentially equate to those that would be considered as part of a full planning application and does not offer any increased certainty that the development will be approved. As such it offers no benefit over the current planning arrangements. If a property is suitable for extension then a full planning application would work, especially if there is a local plan policy and national advice setting out where and how these would be considered appropriate.

Question 1.20: Should a permitted development right also allow for the upward extension of a dwelling for the enlargement of an existing home? If so, what considerations should apply?

No domestic extensions are far more complex, varied and controversial which would prevent the ability for a standard set of criteria to be established.

Question 1.21: Do you agree that the permitted development right for public call boxes (telephone kiosks) should be removed?

Yes

Question 1.22: Do you agree that deemed consent which allows an advertisement to be placed on a single side of a telephone kiosk should be removed?

Yes

Question 1.23: Do you agree the proposed increased height limit for an electrical vehicle charging point upstand in an off-street parking space that is not within the curtilage of a dwellinghouse?

Yes

Question 1.24: Do you agree that the existing time-limited permitted development right for change of use from storage or distribution to residential is made permanent?

The Council has received no applications for these.

Question 1.25: Do you agree that the time-limited permitted development right for larger extensions to dwellinghouses is made permanent?

Yes

Question 1.26: Do you agree that a fee should be charged for a prior approval application for a larger extension to a dwellinghouse?

No - domestic extensions are far more complex, varied and controversial which would prevent the ability for a standard set of criteria to be established.

Question 1.27: Do you support a permitted development right for the high-quality redevelopment of commercial sites, including demolition and replacement build as residential, which retained the existing developer contributions?

Expansion of permitted development rights to allow the redevelopment of commercial sites for residential use risks damaging the ability of local

planning authorities to allocate land for commercial uses, thereby undermining the Government's commitment to a planning system that is "genuinely plan-led".

We note that paragraph 1.47 of the consultation document states: "in constructing a right it could be necessary to consider... the relationship with local plan policies for key sites and areas where the right should apply". In our view, it is imperative that any new permitted development right for the redevelopment of commercial sites has regard to local plan policies on town centre and employment (B1, B2, B8) uses. However, it should also be recognised that unallocated commercial sites ('whiteland' sites that are not protected by local plan policy) have a significant role in supporting economic activity and make a particularly important contribution to meeting local needs.

Rapidly changing dynamics for commercial premises (the recent increase in demand for last-mile logistics facilities being a good example) mean that a diverse and flexible supply of commercial premises is required to support economic growth. Introducing a permitted development of the type proposed through this consultation has the potential to reduce the supply of commercial sites either through the redevelopment of premises, or by landowners / freeholders preventing commercial sites becoming occupied in the hope that vacant premises can be redeveloped for (usually higher value) residential use.

While the objective of maximising delivery of new homes is supported, the importance of ensuring an adequate supply of sites and premises capable of supporting economic growth should not be overlooked. The consultation document does not estimate how many new homes could be delivered through the proposed new permitted development right, but if the Government seeks to pursue this option the Council respectfully suggests that the anticipated benefits be carefully considered against the potential adverse consequences for the supply of commercial premises. It is Gateshead Council's view that the NPPF provides an appropriate and flexible basis to support the delivery of new housing, while ensuring that the needs of businesses continue to be met.

There needs to be provision to consider the location of the site as many commercial locations will be unsuitable for housing in terms of amenity, infrastructure and accessibility. It is therefore more appropriate to identify sites through allocations in local plans. It would be impossible to set criteria that meet every local circumstance and therefore it would provide no significant benefit over the full planning route in terms of certainty for the developer. National and local policy supporting high quality development of commercial sites as a principle would be more appropriate.

Question 1.28: What considerations would be important in framing any future right for the demolition of commercial buildings and their redevelopment as residential to ensure that it brings the most sites forward for redevelopment?

Whether development makes the most efficient use of land, amenity, location of the site, infrastructure and accessibility; however, this is effectively addressed through Local Plans and through supporting evidence in the form of SHLAAs and ELRs.

Question 1.29: Do you have any comments on the impact of any of the measures?

- i. Allow greater change of use to support high streets to adapt and diversify
- ii. Introducing a new right to extend existing buildings upwards to create additional new homes
- iii. Removing permitted development rights and advertisement consent in respect of public call boxes (telephone kiosks).
- iv. Increasing the height limits for electric vehicle charging points in off-street parking spaces
- v. Making permanent the right for the change of use from storage to residential
- vi. Making permanent the right for larger extensions to dwellinghouses

- i. These should only apply to local and town centres.
- ii. This should not be a blanket approach across all areas
- iii. No additional comments
- iv. No additional comments
- v. No additional comments
- vi. The fees should reflect the resources required.

Question 1.30: Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equality Act 2010? What evidence do you have on these matters? Is there anything that could be done to mitigate any impact identified?

No

Part 2: Disposal of Surplus Local Authority Land

Question 2.1

Do you think that the threshold for the existing general consents for the disposal of land held for purposes other than planning or housing at an undervalue (under section 123 of the Local Government Act 1972) should:

- a) Remain at its current level
- b) Be increased
- c) Be removed completely

Response:

It should be increased (b)

Reason:

Land values have increased since the £2m threshold was created and as such raising the threshold would be appropriate to reflect this

Question 2.2

If you consider it should be increased, do you think the new threshold should be:

- a) £5 million or less
- b) £10 million less
- c) Other threshold

Response:

£10 million (b)

Reason:

- Land values have increased across the country but more so in some areas than others and as such £10 million is considered to be more appropriate than £5 million.
- It is considered that whilst local authorities have a fiduciary duty to their tax payers and will always be capable of scrutinising such decisions the threshold provides checks and balances which helps ensure that there is no impropriety

Question 2.3

Do you agree that the Secretary of State should issue a new general consent under section 233 of the Town and Country Planning Act 1990 for the disposal of land held for planning purposes?

Response:

Yes

Reason:

Land held for planning purposes is often the first tranche of land which is required in the initial phases of a scheme to drive it forward and for this reason may have to be offered at less than best consideration. Development is all about timing and catching the market. If consents have to be obtained then this could have a detrimental effect on timing.

Question 2.4

If yes do you think any new general consent should apply to:

- a) Disposal at an undervalue of £2 million or less
- b) Disposal at an undervalue of £5 million or less
- c) Disposal at an undervalue of £10 million or less
- d) Disposal at some other undervalue threshold (please state level)
- e) All disposals regardless of the undervalue

Response:

Disposal at an undervalue of £10 million or less (c)

Reason:

For the reasons as set out in 2.2

Question 2.5

Do you agree that the economic, social or environmental well-being criteria which apply to the existing general consent should apply to any new general consent for the disposal of land for planning purposes?

Response:

Yes

Reason:

Provides consistency

Question 2.6

Do you have any additional comments about the current system governing disposals of land at an undervalue by local authorities and our proposals to amend it?

Response:

None



REPORT TO CABINET

Date: 18 December 2018

TITLE OF REPORT: Placement Sufficiency and Commissioning Strategy for Children in Care in Gateshead 2018 to 2021

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

Purpose of the Report

1. To provide Cabinet with the Placement Sufficiency and Commissioning Strategy for Children in Care in Gateshead 2018 to 2021. The strategy covers the accommodation and placement needs for Looked After Children and Care Leavers supported by the Council.

Background

2. There is a requirement on Local Authorities as the Corporate Parent, to identify and describe its accommodation and placements available for their Looked After Children and Care Leavers, in a report that also covers, what is required, what is currently delivered and future plans. The report also links to the Council's strategic approach, Making Gateshead a Place Where Everyone Thrives.
3. The strategy includes details of the vision for our Looked After Children and Care Leavers, the Corporate Parenting Pledge, demographic details, the placement profile of this cohort, their legal status, the provision and market analysis as well as the financial analysis of those placements.

Proposal

4. The Placement Sufficiency and Commissioning Strategy will be reviewed regularly to ensure it is current.

Recommendations

5. It is recommended that Cabinet:
 - (i) Approves the draft Placement Sufficiency and Commissioning Strategy for Children in Care in Gateshead 2018-2021 for further consultation with key stakeholders and partners; and
 - (ii) Notes that the strategy will be taken for information to the Gateshead Health and Wellbeing Board in January.

For the following reasons):

To enable the Council to fulfil its statutory responsibility under the Children's Act 2014 to develop a strategy to express the Council's vision and identifies the provision of placements and accommodation for children in its care, who are Looked After or Care Leavers.

CONTACT: Julie Young **Extension:** 2395

Policy Context

1. The Council has a duty to provide accommodation and support to its Looked after children and Care Leavers, under the Children's Act 2014 in discharging its Corporate Parent duties.
2. It must also demonstrate to Ofsted that it has plans in place to address those key issues and they should cover the current period and future planning.

Background

3. There is a requirement on Local Authorities as the Corporate Parent, to identify and describe its accommodation and placements available for their Looked After Children and Care Leavers in a Placement Sufficiency and Commissioning Strategy.

Consultation

4. Initial consultation has taken place with the Cabinet Members for Children and Young People and the NewcastleGateshead Clinical Commissioning Group, who were happy for the draft strategy to be placed for wider consultation.

Alternative Options

6. There are no alternative options.

Implications of Recommended Option

7. **Resources:**
 - a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that there are no direct financial implication arising from this report.
 - b) **Human Resources Implications** - There are no direct Human Resource implications from this strategy.
 - c) **Property Implications** - There are no property implications arising from this strategy.
8. **Risk Management Implication** – There are no risk management implications from this strategy
9. **Equality and Diversity Implications** – The current services are open to all children and families at risk, this will not change with the new strategy.
10. **Crime and Disorder Implications** – There are no anticipated crime and disorder implications included in this strategy
11. **Health Implications** - There are no health implications arising from this strategy.

12. **Sustainability Implications** – There is a key requirement to have a sustainable service model to discharge this duty as a Corporate Parent.
13. **Human Rights Implications** – There are no human resource implications covered in this strategy
14. **Area and Ward Implications** – There are no specific ward implications of this strategy

Placement Sufficiency and Commissioning Strategy for Children in Care in Gateshead 2018 – 2021

- 1. Introduction**
- 2. Vision**
- 3. Corporate Parenting Pledge**
- 4. Gateshead Demographic context**
- 5. Children in Care and placement profile**
- 6. Provision and market analysis**
- 7. Financial analysis**
- 8. Commissioning intentions**

DRAFT

1. Introduction

This strategy sets out how Gateshead Council will ensure that there is sufficient accommodation of all types for children in our care.

This sufficiency strategy will ensure that Gateshead Council:

- Supports and maintains a range of services that meet the needs of children in care and those who, without support, might be accommodated
- Works with partners to ensure that only the children and young people that need to come into care are accommodated
- Communicates with partners and supports the market to deliver appropriate placements in the local area
- Has the mechanisms in place for the commissioning of appropriate placements and additional support outside of the local area where the child's needs require this

This strategy should be read in conjunction with the following Children's Services and corporate documents:

- Vision 2030
- Making Gateshead a Place Where Everyone Thrives Gateshead's Children and Young People in Care and Care Leavers Strategy 2018 – 2023
- Gateshead Council Fostering recruitment strategy 2018-2021
- Annual Fostering Services plan

The development and delivery of highly effective support for children who are looked after by the Local authority is a key priority for Gateshead. This strategy also draws upon our JSNA and sets out how we will achieve this in partnership with children and young people, local communities and partners.

The Council seeks to continuously improve outcomes for looked after children and care leavers in order to improve their life chances and opportunities. These outcomes are closely linked to placement stability and ensuring that children have placement choice and are matched and placed with the right carers.

This approach is in keeping with the Council's Thrive agenda. We want Gateshead to be a place where everyone thrives. If we are to achieve this a **radical rethink is needed about the way we work as a Council**, the way we spend the money, the way we work with partner organisations, businesses and how we work with our local people and communities.

Within Making Gateshead a Place Where Everyone Thrives we pledge to:

- Put people and families at the heart of everything 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

This strategy covers:-

Children in Care

Under the Children Act 1989, a child is legally defined as 'in care' by a local authority if he or she:

- is provided with accommodation for a continuous period for more than 24 hours under S.20 (voluntary agreement with parent or with the young person if he/she is over 16 years old)
- is subject to a care order (made by the Family Court); or
- is subject to a Police Protection Order, Emergency Protection Order or Remand
- is subject to a placement order (pre-adoption)
- Within this document we will refer to young people who meet these criteria as 'children in care' (CiC).
- A young person ceases to be in care when he or she turns 18 years old, an adoption order is granted or their parents resume parental responsibility. The Children (Leaving Care) Act 2000 extends the local authorities responsibilities to care leavers up to the age of 21, or 25 if they are in full-time education. We also support those carer leavers who are not in full time education through for example "staying put in fostering".

This strategy will be reviewed and updated on an annual basis in consultation with key stakeholders.

2. Vision

Gateshead's Vision 2030 promotes:

Local people realising their full potential, enjoying the best quality of life in a healthy, equal, safe, prosperous and sustainable Gateshead.

This strategy focuses on the application of this vision to children and young people who need to be looked after and aims to realise the vision of looked after children being:

Empowered and supported to develop to their full potential, being safe, healthy, happy and being provided with the life skills and opportunities to play active parts in society.

This strategy also recognises that looked after children and care leavers are amongst the most vulnerable children and young people within our community and, as such, require additional support to help them achieve their best possible outcomes. The Council has a clear role as a Corporate Parent and seeks to make the aspirations and attainment of our looked after children and care leavers their highest priority.

In Gateshead we are committed to supporting children to remain within their family, wherever possible. We do so by working with and supporting families to bring about change so that parents and carers are able to provide good parenting, firm boundaries and emotional support to ensure children are protected from significant harm.

We strive to ensure that there is a continuum of services to address the various and complex needs of children and families so that these families are supported to care for their own children and prevent unnecessary entry into care or repeat admissions. This includes the services below and we continue to explore further innovative ideas:

- Intensive Family Support (including Gateshead Think Family approach)
- Family Group Conferencing
- Developing Early Help and Edge of Care Services

The aim of any intervention is to achieve stability, improve parenting and family functioning in a way that keeps each child safe and allows that child to develop.

Where this is not possible we seek to provide high quality substitute care within family settings as near as possible to the child's home to maintain links with birth parents and their communities.

We are proud of our children and young people in Gateshead. We want the same for the children and young people in our care as any good parent would want for their child. We want our children to be healthy and happy in childhood. We want them to feel valued for who they are and to feel loved. We want them to enjoy learning and to have a good experience of education to help them fulfil their aspirations for the future.

Our aim is for children in our care to grow up to be emotionally balanced individuals who will experience positive relationships, be responsible citizens and achieve their full potential. We will achieve this by working with and listening to children and their families to find the best care arrangements that can meet their specific and individual needs.

The following will help drive and deliver our vision:

- We work collaboratively with families and our partners to support and enable children and young people to be cared for within their own families, wherever possible.

- All children and families benefit from integrated and co-ordinated services enabling full participation in universal and mainstream services in their local communities.
- A suite of Early Help services are used to support children on Child Protection Plans and their families, and prevent entry into care. This includes Early Help Team and Family Support services, Think Family Service, Family Group Conferencing, Parenting Programmes, Drugs and Alcohol support and other locally based, targeted services.
- Direct social work interventions are used with families, to support those with parental responsibility to meet the needs of their children safely.
- Through robust assessment, planning and case review, we ensure that we only look after those children and young people for whom being in care is the only way of ensuring their safety, protection and development.
- We continue to work with those with parental responsibility to help a child in care return home safely wherever this is possible.
- Where children cannot be cared for by their birth parents we provide placements in family settings, as close to the child's home area as possible that meet each child's individual needs.
- Where children cannot return home, we aim to secure legal and emotional permanence, preferably through adoption, Special Guardianship, Family Arrangement Orders, or where this is not possible, Long Term Foster Care.
- As we aim to place the vast majority of children within a family setting, we always maximise the use of internal fostering resources first before using local external fostering resources. We avoid using residential care except when it is the best way of providing support to meet a child's complex therapeutic and educational needs.
- Children in care should be as physically and emotionally healthy as they can be and have access to the right health and leisure resources, opportunities for early years and statutory education and participation in further education, employment and training.
- The needs of young people leaving care and those that have left care will be assessed and these young people should receive the appropriate level of support and advice to enable the transition to adulthood. This includes 'staying put' with their foster carer, access to suitable, high quality housing and opportunities to engage in education, employment and training.

- Feedback is routinely sought from children, young people, parents and carers to inform decisions made relating to service delivery to drive continuous improvement.

3. Corporate Parenting Pledge

Gateshead's Corporate Parenting Pledge sets out Gateshead's commitment and responsibilities as a corporate parent, which is to provide the best possible care and protection for children and young people in care. At the core of this responsibility is the moral duty to provide the kind of support that any good parents would provide their own children. This includes enhancing the quality of life of Children in Care as well as simply keeping them safe.

Our role as Corporate Parents is embedded within the Children and Young People in Care and Care Leavers Strategy 2018-2023, and this document serves as the Council's Corporate Parenting Strategy

Our approach is to provide services and support to Looked After Children and Young People and Care Leavers in Gateshead. To support children in the community where this is safe and appropriate, using the whole family strengths and recognising we need to reduce the demand for services and improve the offer from ourselves and partners to enable our young people to meet their full potential

Vision and Principles

We want every child and young person in care in Gateshead to reach their full potential and we believe they have a right to be healthy, happy, safe and secure and feel loved, valued and respected.

Our principles are

- safeguard the welfare, health and happiness of all children in care
- listen and respond to children and young people's views and wishes.
- provide a stable and supportive home with caring consistent relationships.
- have high aspirations for each child and young person
- respect and value diversity
- place children and young people within families whenever possible and as close to the local community as possible
- promote contact with family and friends
- respect and promote children and young people's rights
- make decisions based on assessments of need
- celebrate children and young people's achievements

What children in our care say

- Find moving into a new home a difficult experience
- Need to understand why they came into care
- Need to be able to build relationships with adults they can trust
- Rely on the adults caring for them to help keep them safe.
- Support to maintain relationships once they leave care, on an informal basis
- Want professionals who provide support to have high aspirations for them
- Reported that leaving care still felt like a 'cliff-edge',
- Felt that the process of leaving care itself was often rushed and that planning for leaving care should start earlier.
- Wanted more choice about where they lived and who supported them;
- Know what they were entitled to from universal services

Our priorities are

Informed by what our Looked after Children and Young People say is important to them, we have identified 7 key priorities which are at the heart of this strategy:

- Our Children and Young People are **respected** and **involved**
- Our placements are **safe** and meet the **needs** of our Children and Young People
- **Positive** relationships and **identity**
- Our Children and Young People will be **supported** to **improve** their physical and emotional health and wellbeing
- Our Children and Young People are **encouraged** to **reach** their educational, employment and training potential
- Our Young People moving into adulthood will be **supported** to **achieve** their full potential in life
- **Improve** our role as the Corporate Parent

To enable young people's voice to be heard during the commissioning of services we have asked young people to:

- support modelling of services
- provide questions for the tender process
- be involved in provider forums as they are available

and this will continue to be the case.

4. Gateshead Demographic context

Gateshead has a population of around 201,600 people. Gateshead's population is projected to increase by 11,000 (5.5%) between 2014 and 2039 to 211,500.

The population is ageing: it is projected that by 2039 there will be an additional 14,400 people aged 65 or older, an increase of 38%. There will also be a slight decrease in the number of children and young people aged 0-15 of around 500 or 1.5%.

1 in 4 children in Gateshead live in poverty. Children who live in poverty are significantly more likely to experience poor mental as well as physical health.

Entering care is strongly associated with poverty and deprivation, and with emotional and mental health problems. Research suggests that around **45-60% of looked after young people have emotional and mental health problems**, increasing to **72% for those in residential care**.

At the end of reception, just under **6 in 10 Gateshead pupils achieve a Good Level of Development at Foundation Stage**. This is similar to the North East and just below the England averages. Nationally there is a gap of around 10% achieving a good level of development between the richest and poorest areas (based on IMD 2015 deprivation).

In recent years, on average around **180 young people aged 10 - 24 have had an emergency hospital admission for self-harm** each year. Compared to England, Gateshead's emergency admissions are significantly higher and have been consistently so over recent years.

At the 31st March 2018 there were **295 children the subject for a CPP**, a slight reduction on 313 at the same point last year. However, the rate per 10,000, compared with the national average Gateshead remains significantly higher. At the 28th October 2018 the number of cases has risen to **339**, with 11 being from other Local Authorities and 25 are LAC and have a CP Plan.

For these children, neglect is the single most significant reason for the plan (defined as a persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development).

The number of Looked After Children cared for by the local authority has increased over the past 12 months. At the 31st March 2018 there were 392 looked after children compared with 377 at the same time last year. As a rate per 10,000, compared with the national average Gateshead remains significantly higher. There are now **413 looked after children at the 28th September 2018**, and a further 3 Unaccompanied Asylum Seekers.

Research tells us. Looked after children compared with the general population:

- Do less well educationally
- Are over represented in the criminal justice system
- Have poorer health outcomes including an increased risk of suffering from mental health difficulties

- Have an increased likelihood of becoming homeless and experience economic and relationship difficulties in their own families

The number of Looked After Children in Gateshead

The number of Looked after Children in Gateshead on the 31st March 2018 was 392. That number has now risen to 413 at the 28th September 2018 and a further 3 cases are unaccompanied asylum seeker children.

The number of care leavers in Gateshead

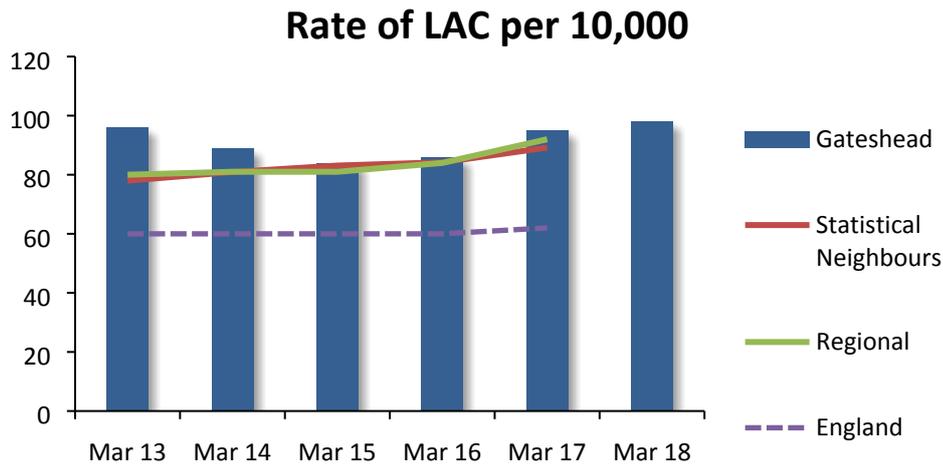
There are 127 active open care leaver cases at March 2018.

	Number of LAC	LAC Change
Mar 12	382	
Mar 13	389	7
Mar 14	357	-32
Mar 15	338	-19
Mar 16	344	6
Mar 17	377	33
Mar 18	392	15

5. Children in Care and placement profile

Children in Care Rate per 10,000

As highlighted in the graph from March 2013 to March 2018 Gateshead has been an outlier compared to the national average per rate of LAC per 10,000 population however we are comparable to regional neighbours in recent years.



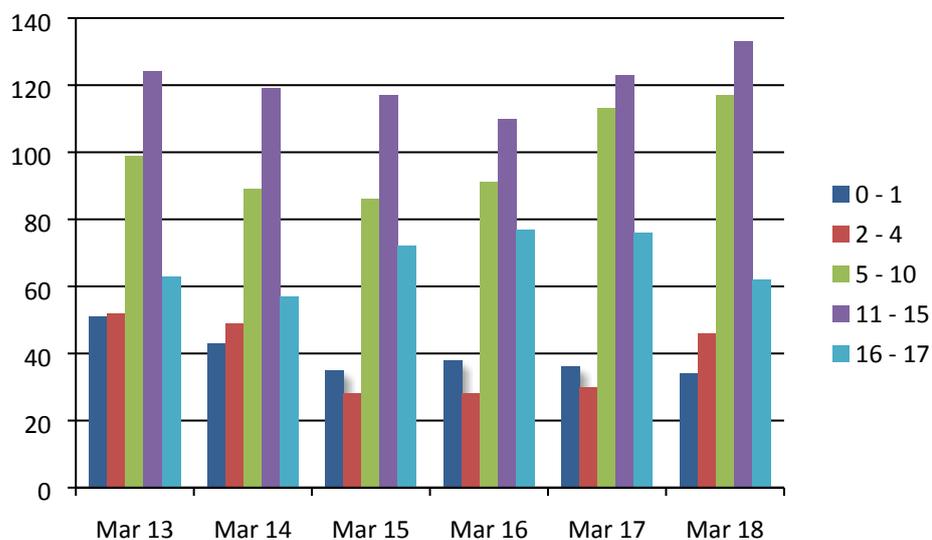
At March 2018 there were 392 (98 per 10,000) children and young people who were classed as being looked after. This compares with 376 (94 per 10,000) reported in the previous year at March 2017 - an increase of 3%. The figure for Gateshead is also 58% higher than the latest England rate (62), and 6.5% higher than the latest reported North East rate (92) When examining the numbers of children who came into care over the last 12 months (April 2017 - March 2018), there have been similar numbers to the previous year, although there has been a reduction in the those aged 16 and over

Age Distribution

The largest cohort of children in care continues to be the 5 - 10 and 11 - 15 age groups.

The Council needs to consider the growth of these age groups in their commissioning activity over the next 12 months both to prevent entry into care and secure appropriate accommodation if they do come into care.

Age range of LAC



Gender and Ethnicity

In respect of gender, the proportion of boys to girls has remained steady.

There are more boys than girls in the care population. As at March 2018 there were 225 boys compared to 167 girls.

The vast majority of our young people in care are white with a small proportion from other ethnic groups.

	Mar 13	Mar 14	Mar 15	Mar 16	Mar 17	Mar 18
Asian or Asian British	8	9	6	8	6	8
Black or Black British	9	12	11	9	13	13
Chinese or other ethnic group	2	6	6	3	8	5
Mixed	20	11	9	9	9	11
White	350	319	306	315	341	355
Total	389	357	338	344	377	392

	Mar 13	Mar 14	Mar 15	Mar 16	Mar 17	Mar 18
Female	182	164	161	154	154	167
Male	207	193	177	190	223	225
Total	389	357	338	344	377	392

Legal Status

237 young people in Gateshead are accommodated under a care order (60%). The number who are accommodated with consent of their parents (Section 20 Care Act 1989) is 76 (19%), this has decreased by 19% since March 2017

The number of young people placed with connected persons under Reg 24 arrangements is increasing

	Mar 13	Mar 14	Mar 15	Mar 16	Mar 17	Mar 18
S20	102	101	109	91	94	76
Care Order	166	196	190	189	214	237
In LA on Remand or Committed for Trial/Sentence		2		1		
Interim Care Order	56	8	12	34	35	49
Placement Order Granted	65	50	27	28	34	30
Total	389	357	338	344	377	392

Admissions

The number of children being discharged from care has decreased since 2016. The number of children coming into care since 2016 has also decreased, but due to the drop-in discharges there has been an overall increase in the figure.

The number of children entering care has reduced from March 2016 to March 2018 by 15. The number of children leaving care in the same period has also reduced by 44.

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Entered care	177	181	209	220	197	185
Left care	171	215	228	214	164	170
LAC Change	6	-34	-19	6	33	15

Number of Children Entering Care by Age Group

Age when starting care	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
02. 0 - 4	86	86	85	96	81	80
03. 5 - 11	42	53	53	73	64	64
04. 12 - 17	49	42	42	51	51	41
05. 18+					1	
Total	177	181	209	220	197	185

Leaving care by duration of stay

Duration of Care	2012/2013	%	2013/2014	%	2014/2015	%	2015/2016	%	2016/2017	%	2017/2018	%
01. 1 - 30 days	29	17%	32	15%	50	22%	37	17%	25	15%	24	14%
02. 1 - 6 months	25	15%	51	24%	65	29%	63	29%	40	24%	42	25%
03. 6 months - 1 year	27	16%	46	21%	41	18%	44	21%	35	21%	31	18%
04. 1 - 2 years	44	26%	33	15%	23	10%	30	14%	19	12%	25	15%
05. 2 - 5 years	23	13%	32	15%	33	14%	23	11%	20	12%	30	18%
06. 5 years +	23	13%	21	10%	16	7%	17	8%	25	15%	18	11%
Total	171	100%	215	100%	228	100%	214	100%	164	100%	170	100%

Looked after Children with Mental Health and Disability

The number of Looked After children with a medical Condition or disability was 56 in 2011/12 and has decreased to 49 by 31st March 2018.

Disabilities	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
Has Physical Disability	5	4	4	4	3	3
Has Sensory Disability	4	4	3	3	3	5
Has Learning Disability	35	35	34	30	27	28
Has Diagnosed Conduct Disorder	12	9	9	10	11	13

No of placements by type of placements (LAC)

The greatest impact is the number of children in residential placement which has risen from 14 to 26 currently from March 2017 with an increase in 12 placements

	Mar 13	Mar 14	Mar 15	Mar 16	Mar 17	Mar 18
1 Residential Non-GMBC	19	19	18	22	14	26
2 Agency Fostering	48	28	22	23	24	19
3 GMBC Homes	7	8	9	5	5	4
4 Mainstream Fostering	225	218	226	239	256	256
5 Family & Friends	58	55	47	36	52	66
6 Awaiting Adoption	27	26	12	14	18	16
7 Other	5	3	4	5	8	5
Total	389	357	338	344	377	392

6. Provision and market analysis

Commissioning of children's services in Gateshead is focussed on delivering excellent outcomes for children and families, achieving the best value for money and building local capacity. We do this by engaging children and families in a process of collaborative commissioning, embedding a programme of continuous improvement in our commissioned activity and ensuring all services are delivered by appropriately skilled providers.

Models of service delivery

Children's services are delivered through a mixed economy of in-house and independently commissioned provision. We focus on evidence-based solutions which offer choice and flexibility, including frameworks and collaborative commissioning across geographical and organisational boundaries. In Gateshead there is a broad range of provision that is across the borough that is provided by the Local Authority and the private sector. Gateshead Council will continue to work with providers alongside regional partners to expand what is available to meet the needs of the children in our care. This provision includes:

- NE7 Independent Fostering Agency (IFA) framework
- NE10 independent advocacy service
- NE12 is a Flexible Procurement Agreement for delivery of placements for children and young people as outlined below:
 1. Department for Education registered, independent special schools and colleges; day placements, weekly boarder placements and 52-week

- residential placements. All placements in these settings are for children and young people Pre-16 years and Post-16 years
2. Residential Children's Homes for Children and Young People aged 0 - 18 years
 3. Ofsted Registered Residential Short Break services for Children and Young People aged 0-18 years
 4. Short breaks framework for community outreach and home care services for disabled children

Gateshead Council has a range of internal provision including:

- **In house fostering** – At 31st March 2018 there were 186 approved fostering households, a slight decrease on the previous year. During the year ending 31st March 2018, 23 new fostering households were approved at fostering panel, with 30 being deregistered.
- **In house residential** - The Council has one in house residential Children's Home at Blaydon, however it does have an offer of short break respite services for children with disabilities at Grove House. The residential home offers 5 long-term placements for young people aged 11-18 years. With young people assisted to move onto independence and outcomes are consistently positive for those individuals in the home. Both Blaydon and Grove House are registered through Ofsted and their recent inspections both were inspected as "Good" and "Outstanding" respectively.

In addition, Grove House provides short breaks for children with disabilities including those with complex health needs, learning disabilities and challenging behaviour. The service provides breaks for approximately 50 young people and contributes to their health and wellbeing and supports with planned respite for families.

Date of Last Inspection	Blaydon	Grove House
09/01/2018 (Full)	Good (in all areas)	
30/01/2018(Full)		Outstanding
29/11/2016 (Full)		Outstanding

- **Adoption and Permanence** - Gateshead received 128 enquires from members of the public regarding adoption during 2017/18. There were 137 enquires in the previous year (a slight decrease). Adoption and post adoption support has a high priority in national policy and locally. Current measures have included, extending children's rights to priority school admission, free early years education, adoption leave and financial support and placed a duty on local authorities to inform adopters about their rights.

Gateshead has invested in marketing recruitment and parenting skills for adopters.

There was 1 Foster to Adopt placement in 2016/17 and an additional Foster to Adopt placement was successfully granted an adoption order in 2017/18

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7. Financial analysis

General

Over the past 4 years, Gateshead Council expenditure on placements for looked after children has consistently exceeded budget, and this overspend is also projected for 2018/19 This overspend is attributable to an increase in looked after children over and above the level which is budgeted for but is also exacerbated by the increased use of more expensive external residential placements.

Total Spend and Unit Costs

The Council will continue to focus on the unit costs of placements, within the context of focussing on quality of provision, improving value for money and delivering the best outcomes for young people.

4 Years Spend Analysis

Category	Spend			
	2014/15	2015/16	2016/17	2017/18
Internal Fostering	£5.197m	£5.474m	£5.506m	£5.905m
External Fostering	£1.056m	£0.995m	£0.934m	£0.828m
Internal Residential	£1.081m	£1.171m	£0.791m	£0.543m
External Residential	£1.843m	£2.432m	£2.598m	£3.466m
Total	£9.177m	£10.072m	£9.829m	£10.742m

Category	Average Unit Cost (per week)			
	2014/15	2015/16	2016/17	2017/18
Internal Fostering	£363	£380	£354	£379
External Fostering	£845	£792	£750	£758
Internal Residential	£2,079	£2,252	£2,173	£2,088.46
External Residential	£1,693	£2,417	£2,721	£2,656
Total	£535	£586	£543	£588

8. Commissioning intentions

Our commissioning intentions going forward are focussed on:

- An integrated commissioning approach for children and families across social care and health
- Shifting resources downstream towards prevention and early help to reduce the demand on specialist services
- Tackling the root causes of disadvantage and developing more responsive and personalised services
- Increasing focus on outcomes, rather than inputs and outputs

Market opportunities

- NE12 Phase 2 – The Flexible Procurement Agreement commenced on 01 February 2018 for a period of 36 months with a further 3 x 12-month options to extend. The Flexible Procurement Agreement will remain constantly open during the first year to allow Providers to join the solution and have a minimum of two openings per year after that
- Review of Carers Services to develop a better offer for young carers and parent-carers of disabled children.
- Development of integrated, clear services and pathways for mental health and emotional health and wellbeing services.
- Enhanced short breaks offer for families with disabled children and expansion of personal budgets
- Development of an accommodation pathway for care-leavers and young people in housing need, including expansion of supported lodgings provision and move-on options for high risk young people.
- Gateshead Council will be going to the market for an Alternative Education Offer – SEND and Post 16.
- Gateshead Council alongside 11 other North East Local Authorities will be going to the market to commissioning specialist foster placements from Independent Foster Agencies during 2019.
- It has bid for funding for Social Workers into School and Social Work support into Edge of Care, award is to be notified in November 2018, for a 15-month pilot project to start December 2018.
- It has successfully through and Invest to Save, collaboratively commissioned specialist support to 2 women in Gateshead, who have had multiple pregnancies and then children removed to see if this additional support can limit the affect for the future by investing in those women.

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TITLE OF REPORT: Nomination of Local Authority School Governors

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

Purpose of the Report

1. Cabinet is asked to nominate local authority governors to schools seeking to retain their local authority governor in accordance with The School Governance (Constitution) (England) Regulations.

Background

2. The School Governance (Constitution) (England) Regulations require all governing bodies to adopt a model for their size and membership. The regulations prescribe which categories of governor must be represented and what the level of representation is for each. The Local Authority's nomination is subject to the approval of the governing body. If approved, the nominee is appointed by the governing body.

Proposal

3. It is proposed that Cabinet approves the nominations to schools as shown in appendix 1.

Recommendations

4. It is recommended that Cabinet:
 - (i) Approves the nomination for reappointment of a Local Authority Governor to ensure the School Governing Body has full membership.
 - (ii) Notes the term of office as determined by the schools' Instrument of Government.

CONTACT: John Finch

extension: 8534

Policy Context

1. In accordance with The School Governance (Constitution) (England) Regulations, local authorities can nominate any eligible person as a local authority governor. Statutory guidance encourages local authorities to appoint high calibre governors with skills appropriate to the school's governance needs, who will uphold the school's ethos, and to nominate candidates irrespective of political affiliation or preferences. A person is disqualified as a local authority governor if they are eligible to be a staff governor at the same school.

Consultation

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

Alternative Options

3. The alternative option would be to make no nominations for the vacancies, leaving governing bodies under strength and less likely to demonstrate the correct configuration.

Implications of Recommended Option

4. Resources:

- a) **Financial Implications** - The Strategic Director, Corporate Resources confirms there are no financial implications arising from this report.
- b) **Human Resources Implications** - None
- c) **Property Implications** - None

5. Risk Management Implication - None

6. Equality and Diversity Implications - None

7. Crime and Disorder Implications - None

8. Health Implications - None

9. Sustainability Implications - None

10. Human Rights Implications - None

11. Area and Ward Implications - None

12. Background Information

The School Governance (Constitution) (England) Regulations.

13. Local Authority Governor Nominations

Schools

In accordance with the School Governance (Constitution) (England) Regulations 2012, the following Local Authority governors are nominated for a period of four years (as stipulated in the individual Instruments of Government) with effect from the dates stated below:

School	Nomination	Date from
Chopwell Primary School	Cllr Lynne Caffrey	4 th February 2019
Harlow Green Community Primary School	Cllr Keith Wood	3 rd April 2019
South Street Community Primary School	Cllr Bernadette Oliphant	22 nd May 2019

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TITLE OF REPORT: The Sage Gateshead – Lease Renewal

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

Purpose of the Report

1. To seek approval to the terms of a lease renewal of the Sage Gateshead to North Music Trust (NMT).

Background

2. The existing Lease to NMT was granted for a term of 7 years from 30 November 2004. The Tenant has the benefit of security of tenure and is holding over under the terms of the Lease.
3. NMT is seeking a renewal to assist them in a submission for new funding from the Arts Council, for works in Hall One.

Proposal

4. Provisional terms for a renewal of the Lease are set out in appendix 1.

Recommendations

5. It is recommended that Cabinet approves the terms for a lease renewal of the Sage Gateshead to North Music Trust, as set out in this report and delegates authority to the Strategic Director, Corporate Service & Governance to agree the detailed terms.

For the following reasons:

- (i) To secure the use of the building for the next 20 years.
- (ii) To manage the assets of the Council's non-operational portfolio in line with the Corporate Asset Strategy and Management Plan 2015 -2020.

CONTACT: Steve Hayles extension: 3466

Policy Context

1. The proposed lease renewal is consistent with the overall vision for Gateshead as set out in Making Gateshead a Place Where Everyone Thrives.
2. The Proposal will also accord with the provisions of the Corporate Asset Strategy and Management Plan 2015-2020. In particular, using assets for the benefit of residents and ensuring they are effectively managed.

Background

3. The existing Lease to NMT was granted for a term of 7 years from 30 November 2004. The Tenant has the benefit of security of tenure and is holding over under the terms of the Lease.
4. NMT is seeking a renewal to assist them in a submission for new funding from the Arts Council, for works in Hall One. The renewal offers the Council an opportunity to review the terms, particularly in respect of the proposed development on Gateshead Quays and any integration with the building, the rights the Council has to use the building for Civic functions and allocation of tickets it receives for performances and also to extract the Car Park from the current leased area.
5. Provisional terms have been agreed, as follows:

Term – from a date to be agreed to 15 April 2038

Rent - £1 p.a.

Demise – Sage Gateshead plus two arches to the rear (as shown on the attached Plan)

Use – Centre for music and music education open to the public

Repairs & Maintenance – the Tenant is responsible for repairing and insuring the entire demise

Insurance – the Council will insure the structure and the Tenant will meet the cost of the Premium. The Tenant will insure for Public Liability & Contents.

Civic use – the Council will continue with the right to use the building up to 4 days in any 12 months period for Civic Functions

Ticketing – the Council will receive the following ticket and parking allocations:

- Hall One – 6 tickets plus 3 car spaces
- Hall Two – 2 tickets plus one car space
- Northern Rock Foundation Hall – 2 tickets plus one car space

6. The Council will grant a separate licence for the short- term use of the remaining Arches to the rear of the building, as these spaces may be required for the Quays redevelopment scheme.
7. The Council will allow NMT to continue to manage the rear Car Park, under licence, until such time as the asset is required by the Council for the Quays redevelopment scheme.

Consultation

8. In preparing this report, consultations have taken place with the Leader, Deputy Leader and Cabinet Member for Culture, Sport & Leisure. Ward councillors have also been consulted. No issues have been raised.

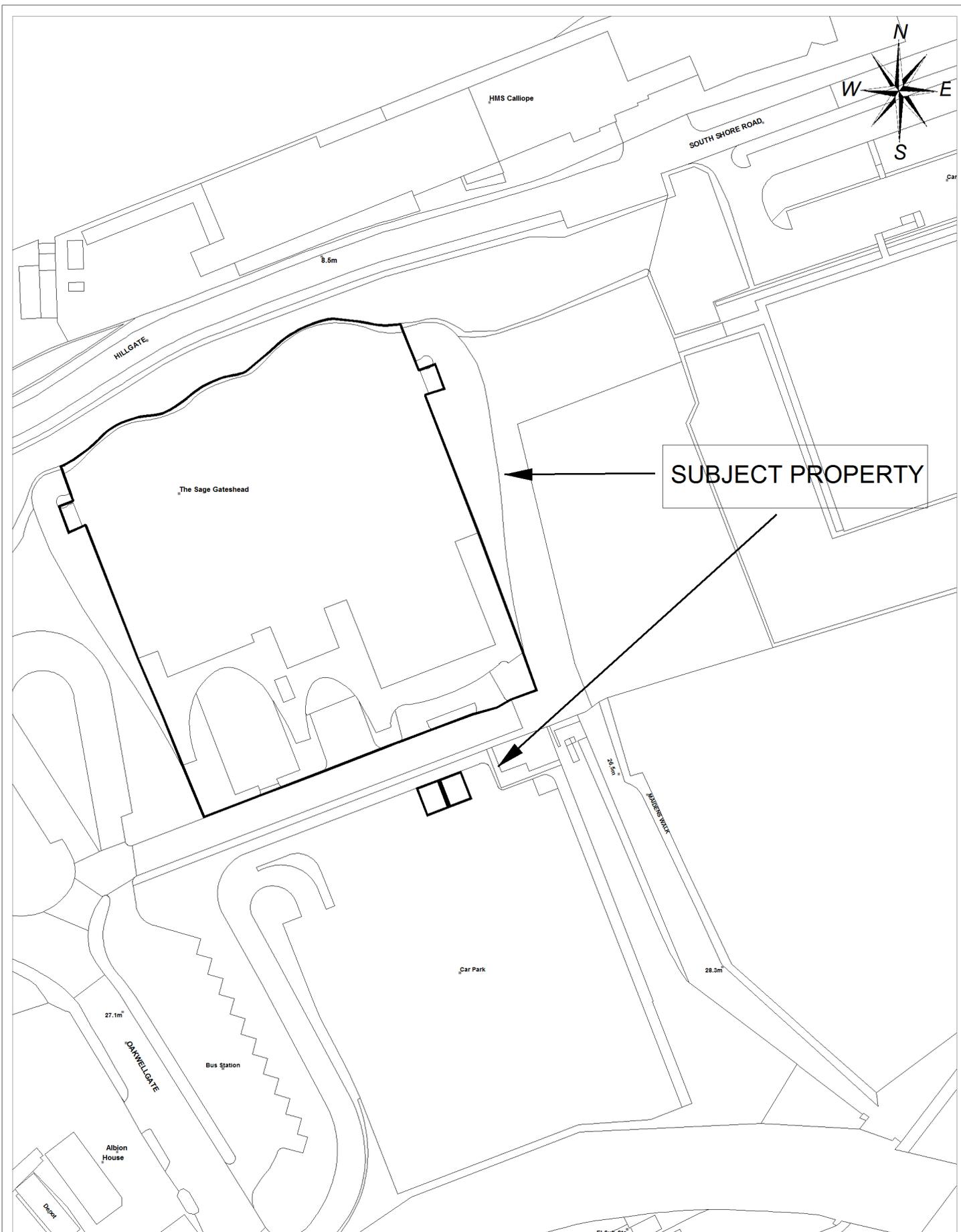
Alternative Options

9. The alternative option is not to renew the existing Lease, but this has been discounted. NMT requires a new Lease to assist in their funding submission and the Council requires changes to the current demise, to ensure the neighbouring Quays redevelopment scheme is not compromised.

Implications of Recommended Option

10. **Resources:**
- a) **Financial Implications** – The Strategic Director, Corporate resources confirms that there are no additional financial implications arising from this report.
 - b) **Human Resources Implications** – None.
 - c) **Property Implications** - Renewing the lease ensures the most appropriate use of the building into the future and minimises the Council's liabilities in terms of repairs and maintenance.
11. **Risk Management Implication** - There are no risk management implications arising from this report
12. **Equality and Diversity Implications** - There are no equality and diversity implications arising from this report
13. **Crime and Disorder Implications** – There are no crime and disorder implications arising from this report
14. **Health Implications** – there are no health implications arising from this report
15. **Sustainability Implications** - there are no sustainability implications arising from this report
16. **Human Rights Implications** - there are no human rights implications arising from this report
17. **Area and Ward Implications** - Bridges ward in the Central area.

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Title The Sage, Gateshead Cabinet Plan		<small>© Crown Copyright and database rights 2016. Ordnance Survey license number 100019132.</small>		
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REPORT TO CABINET
18 December 2018

TITLE OF REPORT: Surrender and New Lease of Hillside Grange, Felling

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

Purpose of the Report

1. To seek approval to (i) accept the surrender of the current lease of Hillside Grange, Sunderland Road, from Gary Owen Lewis and MW Trustees Ltd as trustees of the Lewis SIPP ("the Tenant") and (ii) the re-grant of a 99 year lease to Gary Owen Lewis and MW Trustees Ltd as trustees of the Lewis SIPP.

Background

2. Terms have been provisionally agreed in relation to the property transaction as set out in appendix 1.

Proposal

3. It is proposed to proceed with the property transaction outlined in appendix 1.

Recommendations

4. It is recommended that Cabinet:
 - (i) approves the property transaction outlined in appendix 1; and
 - (ii) authorises the Strategic Director, Corporate Services and Governance to agree the detailed terms.

For the following reasons:

To manage resources in accordance with the provisions of the Corporate Asset Strategy and Management Plan.

CONTACT: Steve Hayles extension 3466

Policy Context

1. The proposed letting accords with the provisions of the Corporate Asset Strategy and Management Plan 2015-20 and supports the Thrive strategic approach.

Background

2. The Tenant currently holds a lease for the site at Hillside Grange and is in the process of redeveloping the site. Their proposal is to erect two, seven bed residential care service units. A planning application (DC/18/01027/FUL) has been submitted by the Tenant.
3. The existing lease is for a term of 99 years from 1 April 1992, with a 5 yearly rent review pattern. The current rent is £13,000 per annum.

Proposal

4. It is proposed to grant a new lease for 99 years from a date to be agreed with a 5 yearly rent review pattern, at an initial rent of £18,625 per annum.

Consultation

5. In preparing this report, consultations have taken place with the Leader and Deputy Leader. Ward Councillors have also been consulted and have raised no issues.

Alternative Options

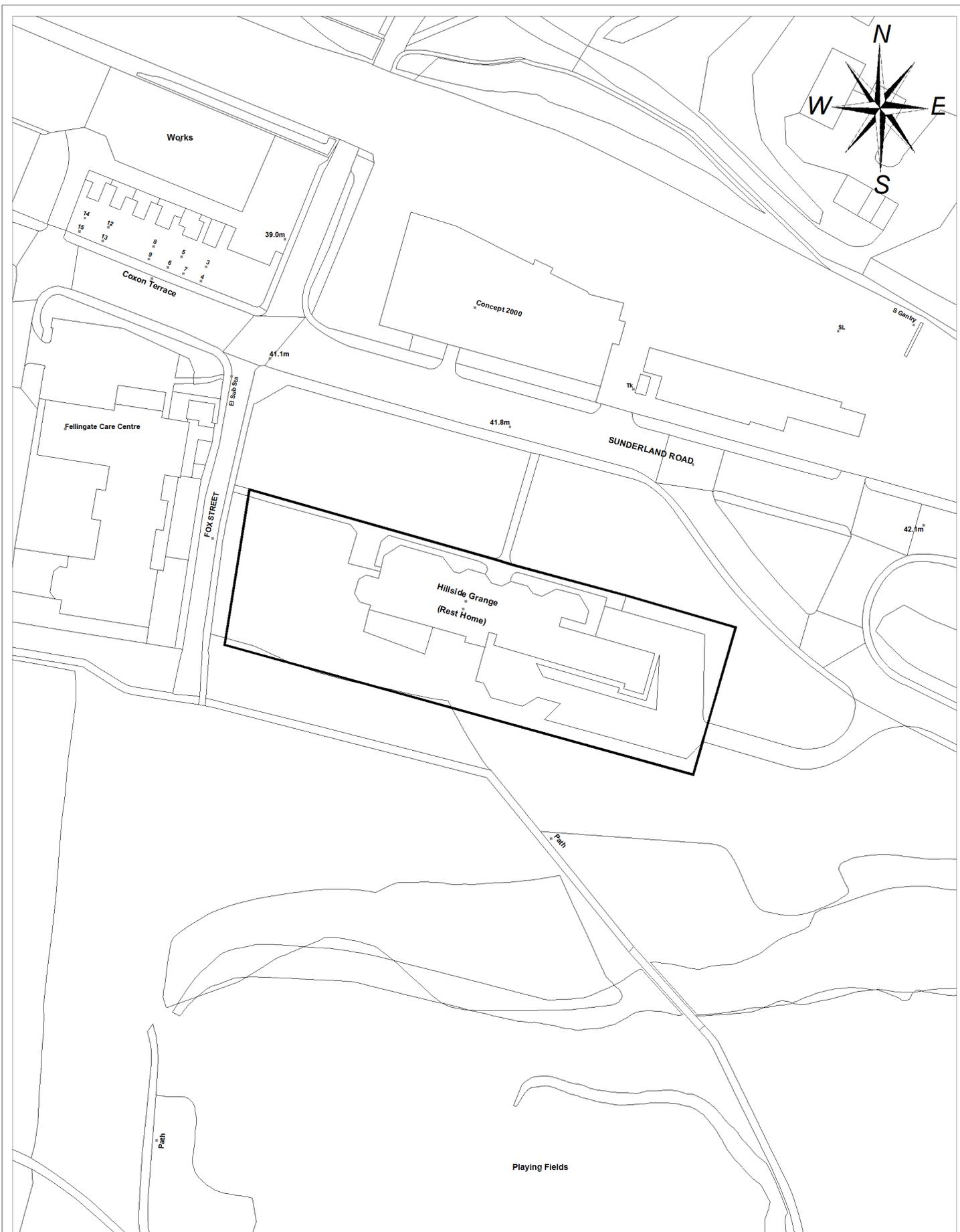
6. The only alternative to surrendering the existing lease and granting a new one on the terms set out above, would be to allow the current lease to continue. This would result in a loss of rental income to the Council. In addition, if the lease is not surrendered and a new one granted, the length of the lease term will continue to decrease which will create problems for a tenant in respect of obtaining finance secured against the site, which would not be in the interest of tenant or the Council.

Implications of Recommended Option

7. **Resources:**
 - a. **Financial Implications** – The Strategic Director, Corporate Resources confirms there are no significant financial implications arising from this report.
 - b. **Human Resources Implications** - There are no human resource implications arising from this report.
 - c. **Property Implications** – In securing this letting the Council is ensuring that it continues to maintain the best rental stream from its non-operational portfolio whilst mitigating its liabilities as to outgoings.

8. **Risk Management Implication** – There are no additional risk management implications arising from this report.
9. **Equality and Diversity Implications** – There are no equality & diversity implications arising from this report.
10. **Crime and Disorder Implications** – There are no crime & disorder implications arising from this report.
11. **Health Implications** – There are no health implications arising from this report.
12. **Sustainability Implications** – There are no sustainability implications arising from this report.
13. **Human Rights Implications** – There are no human rights implications arising from this report.
14. **Area and Ward Implications** – Felling in the East area.

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