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All Members of the Council

My Ref: LCS-DLDS-DS-C-022
Your Ref:

Contact: Karen Robson
Tel: 0191 4332129

Date: 18 May 2016

NOTICE OF COUNCIL MEETING

You are summoned to attend a meeting of Gateshead Metropolitan Borough Council to be held in the Council Chamber - Civic Centre, at **2.30 pm** on **Thursday, 26 May 2016** to transact the following business:-

1. **To confirm the Minutes of the meetings held 21 April and 20 May 2016**
(Pages 3 - 32)
2. **Official Announcements**
(announcements may be made by the Mayor, Leader of the Council or the Chief Executive)
3. **Petitions**
(to receive petitions submitted under Council Procedure Rule 10)
4. **Questions from Members of the Public**
(to consider any questions submitted under Council Procedure Rule 7)
5. **Overview and Scrutiny Work Programmes 2016-17** (Pages 33 - 46)

RECOMMENDATIONS FROM CABINET

6. **Domiciliary Care - The Future Model for Enablement and the Restructuring of In-house Domiciliary Care Services** (Pages 47 - 54)

7. **Civil Bus Lane Enforcement in Gateshead** (Pages 55 - 76)

8. **Report from the Cabinet** (Pages 77 - 80)

MOTIONS AND QUESTIONS

9. **Notice of Motion**

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

9(a) - Notice of Motion - Devolution (Pages 81 - 82)

9(a)(i) - Amendment to Notice of Motion - Devolution (Pages 83 - 84)

10. **Questions**

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



Jane Robinson
Chief Executive

GATESHEAD METROPOLITAN BOROUGH COUNCIL

COUNCIL MEETING

Thursday, 21 April 2016

PRESENT: THE MAYOR COUNCILLOR A GEDDES (CHAIR)

Councillors: A Thompson, J Adams, C Bradley, M Brain, L Caffrey, M Charlton, B Clelland, B Coates, P Craig, S Craig, D Davidson, W Dick, S Dickie, P Dillon, K Dodds, C Donovan, A Douglas, John Eagle, M Foy, P Foy, M Gannon, B Goldsworthy, M Goldsworthy, J Graham, T Graham, J Green, L Green, S Green, G Haley, M Hall, S Hawkins, M Henry, F Hindle, L Holmes, M Hood, H Hughes, J Lee, P Maughan, K McCartney, J McClurey, J McElroy, C McHatton, C McHugh, E McMaster, M McNestry, C Ord, M Ord, D Robson, S Ronchetti, C Simcox, J Turnbull, L Twist, J Wallace, N Weatherley and A Wheeler

APOLOGIES: Councillors: R Beadle, M Graham, J Hamilton, P McNally, P Mole, B Oliphant, P Ronan and J Simpson

A minutes silence was observed following the death of Alderman June Joyce MBE

CL119 TO CONFIRM THE MINUTES OF THE MEETING HELD 17 MARCH 2016

COUNCIL RESOLVED - That the minutes of the meeting held 17 March 2016 be approved as a correct record subject to it being noted that Councillor P Maughan had submitted his apologies for the meeting.

CL120 OFFICIAL ANNOUNCEMENTS

(A) Regional Armed Forces Forum

The Mayor announced that the Council was awarded the Armed Forces Covenant Employer Recognition Scheme Gold Award earlier in the year for outstanding commitment in supporting the Armed Forces. Gateshead was the only council to receive such an award and one of only 16 organisations to do so nationwide.

Councillor Stuart Green, Armed Forces Champion, and officers have received positive feedback on the award from various agencies. A letter has been received from the Regional Armed Forces Forum congratulating the Council on this fantastic achievement.

CL121 PETITIONS

Councillor M Hood submitted a petition on behalf of residents of Kibblesworth regarding their poor broadband service.

CL122 QUESTIONS FROM MEMBERS OF THE PUBLIC

Mr Paul Watson submitted the following question:

“Please can the Council tell me what action they intend to take in respect of the fact that council officers have repeatedly failed to follow the council’s procedure for dealing with complaints, and have repeatedly failed to acknowledge or respond to correspondence from Gateshead residents.”

Councillor M Henry, Leader of the Council responded to the question.

CL123 ADULT SOCIAL CARE DEFERRED PAYMENTS POLICY

Consideration was given to a report seeking approval of a proposed Deferred Payment Policy, charging of interest and administration costs.

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

CL124 2016 - 2017 STATUTORY INTERVENTION PLAN FOR THE FOOD CONTROL AND HEALTH & SAFETY SERVICES

Consideration was given to a report seeking approval of the Intervention Plan for the Food Control and Health & Safety services for 2016-2017.

- COUNCIL RESOLVED - That the Intervention Plan for the period 1 April 2016 – 31 March 2017 be approved

CL125 CORPORATE HEALTH AND SAFETY POLICY

Consideration was given to a report seeking approval of a revised Corporate Health and Safety Policy covering all Council employees and others affected by the Council’s work activities.

- COUNCIL RESOLVED - That the Corporate Health and Safety Policy be approved

CL126 COUNCILLOR ENGAGEMENT AND DEVELOPMENT FRAMEWORK

Consideration was given to a report seeking approval of the new Councillor Engagement and Development Framework.

- COUNCIL RESOLVED -
- i) That the Councillor Engagement and Development Framework as outlined be approved
 - ii) That the Protocol on Councillors' Attendance to the 'Associated Protocols' be added within the Code of Conduct for Members
 - iii) That delegated authority be granted to the Strategic Director, Corporate Services and Governance, following consultation with the Leader of the Council, to make any minor amendments/updates to the Framework

CL127 REPORT FROM THE CABINET

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

- COUNCIL RESOLVED - That the information be noted

CL128 NOTICE OF MOTION

Councillor Douglas moved the following motion:

"Gateshead Council notes that the Government's White Paper, entitled Educational Excellence Everywhere, is a complete distraction from the very real problems facing schools and parents; that it poses a real danger to our education system and opens the door to privatisation.

We further note that Government plans to force all schools to become academies by 2022, at great and unnecessary expense to the tax payer of around £1.3 billion whilst schools face cuts in funding, has been greeted with disbelief and dismay by parents, teachers and politicians. Over 80% of local authority schools are rated good or outstanding by Ofsted, which begs the question, why force them to change? Evidence suggests the academy programme is not working. Sir Michael Wilshaw, the head of Ofsted, said that many academy chains were performing badly and letting down disadvantaged children. A report of the Education Committee highlights that there is no evidence that academisation in itself leads to school improvement.

Gateshead Council believes that every child deserves an excellent education and acknowledges that across the UK schools and parents are facing a chronic teacher

recruitment and retention crisis, a lack of school places, chaos in curriculum change and primary tests, and a funding crisis. Instead of dealing with these very real issues, the Government is pursuing a top-down reorganisation of education that has no basis in evidence and no mandate, as these proposals were not part of their 2015 election manifesto. We also believe that breaking up national pay and conditions will be a further distraction for schools.

Gateshead Council opposes the Government's proposals to force all schools to become academies. We will seek to encourage campaigning against the White Paper and we call on the Government to put their plans on hold as there is insufficient evidence that they will raise standards.

Gateshead Council also calls on the Strategic Director, Care, Wellbeing and Learning and the Service Director, Learning and Schools to continue to work with schools, governors, trade unions and parents to maintain cooperation, partnership and support school improvement across schools in Gateshead."

On the motion being put it was declared to be carried

CL129 QUESTIONS

There were no questions submitted

GATESHEAD METROPOLITAN BOROUGH COUNCIL

ANNUAL COUNCIL MEETING

Friday, 20 May 2016

PRESENT: THE MAYOR COUNCILLOR A GEDDES (CHAIR)

Councillors: A Thompson, C Bradley, M Brain, L Caffrey, M Charlton, B Clelland, P Craig, S Craig, D Davidson, W Dick, S Dickie, P Dillon, K Dodds, C Donovan, A Douglas, D Duggan, John Eagle, M Foy, P Foy, M Gannon, B Goldsworthy, M Goldsworthy, J Graham, M Graham, T Graham, J Green, L Green, S Green, G Haley, J Hamilton, M Henry, H Hughes, J Kielty, L Kirton, J Lee, J McClurey, J McElroy, C McHatton, C McHugh, E McMaster, M McNestry, P Mole, R Mullen, B Oliphant, C Ord, M Ord, I Patterson, C Simcox, J Simpson, J Turnbull, L Twist, J Wallace, N Weatherley and A Wheeler

APOLOGIES: Councillors: R Beadle, M Hall, S Hawkins, M Hood, P Maughan, K McCartney, P McNally and S Ronchetti

A minutes silence was observed following the death of Alderman Norman Lakey.

Reverend Tom Jamieson, Ryton Holy Cross Church gave the opening address.

CL1 ELECTION OF MAYOR

As required by Section 3 of the Local Government Act 1972, the Council proceeded to the election of the Mayor of the Metropolitan Borough of Gateshead for the ensuing municipal year.

Councillor J Graham, seconded by Councillor C McHugh, moved that Councillor A Thompson be elected Mayor of the Metropolitan Borough of Gateshead for the ensuing municipal year.

COUNCIL RESOLVED - That Councillor A Thompson be elected Mayor of the Metropolitan Borough of Gateshead for the ensuing municipal year until acceptance of office by her successor.

Councillor Thompson accepted the office of Mayor by making and subscribing the declaration required by law and expressed her thanks for the high honour accorded to her

Councillor A Thompson in the Chair

CL2 ELECTION OF DEPUTY MAYOR

The Mayor invited nominations for the office of Deputy Mayor as required by Section 5 of the Local Government Act 1972.

On the motion of Councillor B Clelland, seconded by Councillor T Graham:-

COUNCIL RESOLVED - That Councillor P Dillon be elected Deputy Mayor of the Metropolitan Borough of Gateshead for the ensuing municipal year until acceptance of office by her successor

Councillor P Dillon accepted the office of Deputy Mayor by law and expressed her thanks for the high honour accorded to her.

CL3 APPOINTMENT OF LEADER

On the motion of Councillor M Brain, duly seconded:-

COUNCIL RESOLVED -

- i) That Councillor M Gannon be appointed as Leader of the Council for an initial two year period until the date of the annual meeting after the municipal elections 2018
- ii) That Council place on record its thanks and appreciation for the work, service and achievements of Councillor Mick Henry during his time in office as Leader of the Council

CL4 VOTE OF THANKS FOR THE WORK OF THE RETIRING MAYOR AND MAYORESS AND RETIRING DEPUTY MAYOR

On the motion of Councillor M Gannon, seconded by Councillor J Wallace:-

COUNCIL RESOLVED - That the Council conveys its appreciation for the work of Councillor A Geddes, Mrs F Geddes and Councillor A Thompson for the performance of the many duties expected of them as Mayor, Mayoress and Deputy Mayor respectively

CL5 ELECTION OF COUNCILLORS

The Chief Executive reported that the following councillors had been elected on 5 May 2016 to represent wards of the borough indicated for a term of four years:-

No 1	<u>Ward</u> Crawcrook and Greenside	<u>Elected</u> Kathleen McCartney	Labour
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No 2	Ryton, Crookhill and Stella	Liz Twist	Labour
No 3	Chopwell and Rowlands Gill	John Hamilton	Labour
No 4	Winlaton and High Spen	Julie Simpson	Labour
No 5	Blaydon	Stephen Ronchetti	Labour
No 6	Whickham North	Sonya Hawkins	Liberal Democrat
No 7	Whickham South and Sunniside	John McClurey	Liberal Democrat
No 8	Dunston Hill and Whickham East	Peter Maughan	Liberal Democrat
No 9	Dunston and Teams	Brenda Clelland	Labour
No 10	Lobley Hill and Bensham	Catherine Donovan	Labour
No 11	Saltwell	Jeannie Kielty	Labour
No 12	Low Fell	Daniel Duggan	Liberal Democrat Focus Team
No 13	Chowdene	John McElroy	Labour
No 14	Bridges	John Eagle	Labour
No 15	Deckham	Leigh Kirton	Labour
No 16	High Fell	Jean Lee	Labour
No 17	Felling	Sonya Dickie	Labour
No 18	Windy Nook and Whitehills	Rachel Mullen	Labour
No 19	Pelaw and Heworth	Ian Patterson	Liberal Democrat Focus Team
No 20	Wardley and Leam Lane	Linda Green	Labour
No 21	Lamesley	Michael Hood	Labour
No 22	Birtley	Catherine Simcox	Labour

CL6 APPOINTMENT OF CABINET AND DEPUTY LEADER

The Leader announced, in accordance with the Executive Arrangements, his appointed Cabinet members, including Deputy Leader, Councillor Catherine Donovan.

COUNCIL RESOLVED - That the information be noted

CL7 ALLOCATION OF SEATS

On the motion of Councillor M Gannon, duly seconded:

COUNCIL RESOLVED - That in accordance with Sections 15 and 16 of the Local Government and Housing Act 1989, the allocation to the various political groups represented on the Council of seats on those bodies to which the said Act applies, as set out in the attached schedule (Appendix 1b(i)) be approved

CL8 APPOINTMENTS TO COMMITTEES OF THE COUNCIL AND OTHER BODIES EXERCISING NON EXECUTIVE FUNCTIONS

(i) Gateshead Council Labour Group Nominations

Councillor M Gannon, duly seconded, moved that the members listed at Appendix 1b(ii) to these minutes be appointed to the Planning and Development, Licensing, Regulatory, Appeals, Rights of Way, Personnel Appeals, Special Appointments, Contracts, Audit and Standards and Accounts Committees, Pensions and Pay Discretions Sub-Committee; the Health Wellbeing Board; the Overview and Scrutiny Committees; the Northumbria Police and Crime Panel; the Honours Advisory Group and outside bodies dealing with functions that are not wholly an executive responsibility respectively for the municipal year 2016/17.

COUNCIL RESOLVED -

- i) That the nominations of the Labour Group listed at Appendix 1b(ii) to these minutes be agreed
- ii) That the Chief Executive be authorised, following consultation with the Leader of the Council to agree any further necessary changes to the list of annual appointments

(ii) Liberal Democrat Nominations

On the motion of Councillor J Wallace, duly seconded:-

COUNCIL RESOLVED - That the members listed at Appendix 1b(iii) to these minutes be appointed to the Planning

and Development, Licensing, Regulatory, Appeals, Rights of Way, Personnel Appeals, Special Appointments, Contracts, Audit and Standards and Accounts Committees; Pensions and Pay Discretions Sub-Committee; the Health and Wellbeing Board; Overview and Scrutiny Committees; the Honours Advisory Group and the Northumbria Police and Crime Panel for the municipal year 2016/17

CL9 APPOINTMENT OF CHAIRS AND VICE-CHAIRS

On the motion of Councillor M Gannon, duly seconded:-

COUNCIL RESOLVED - That the chair and vice-chairs of the bodies listed in Annex 1A to Part 3 of the Constitution and of the Overview and Scrutiny Committees for the municipal year 2016/17 as listed at Appendix 1b(iv) to these minutes be approved

Mayor.....

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GATESHEAD COUNCIL

ANNUAL MEETING

20 May 2016

Proposed Allocation of Seats on Bodies to which Political Balance Requirements Apply.**1. Bodies dealing with non-executive functions (Annex 1A of the Constitution)**

	Labour Group Cabinet	Non-Cabinet	Liberal Democrat Group	Total
Planning and Development Committee	-	19	4	23
Licensing and Regulatory Committees	-	12	3	15
Appeals Committee	-	18	4	22
Rights of Way Committee	-	6	1	7
Personnel Appeals Committee	3	5	2	10
Special Appointments Committee	6	6	3	15
Contracts Committee	3	1	1	5
Audit and Standards Committee	2	4	1	7
Accounts Committee	2	-	1	3
Pensions and Pay Discretions Sub-Committee	2	2	1	5

2. Overview and Scrutiny Committees

	Labour Group Cabinet	Non-Cabinet	Liberal Democrat Group	Total
Families	-	15	3	18
Care, Health and Wellbeing	-	15	3	18
Communities and Place	-	15	3	18
Corporate Resources	-	15	3	18
Corporate Parenting Sub	-	7	2	9
Community Safety Sub	-	7	2	9

GATESHEAD METROPOLITAN BOROUGH COUNCIL

ANNUAL MEETING

20 May 2016

Gateshead Council Labour Group nominations to Council and other bodies for the municipal year 2016/17

DECISION MAKING BODIES OF THE COUNCIL

Planning and Development Committee

Councillors J Adams
L Caffrey
P Dillon
P Foy
A Geddes
B Goldsworthy
M Hall
J Hamilton
M Hood
L Kirton
J Lee
K McCartney
C McHugh
E McMaster
P McNally
P Mole
J Turnbull
A Wheeler
K Wood

Licensing and Regulatory Committees (same membership for both Committees)

Councillors C Bradley
M Charlton
D Davidson
B Dick
K Dodds
J Graham
B Goldsworthy
J Kiely
R Mullen
B Oliphant
N Weatherley
A Thompson

Rights of Way Committee

Councillors C Bradley
A Geddes

J Hamilton
J Turnbull
A Wheeler
K Wood

Appeals Committee

Councillors C Bradley
L Caffrey
B Clelland
D Davidson
S Dickie
A Geddes
B Goldsworthy
M Goldsworthy
T Graham
J Green
S Green
M Henry
H Hughes
E McMaster
S Ronchetti
J Simpson
A Thompson
N Weatherley

Personnel Appeals Committee

Councillors M Charlton
P Dillon
C Donovan
M Gannon
J Graham
J Hamilton
J Turnbull
L Twist

Pensions and Pay Discretions Sub Committee

Councillor M Charlton
C Donovan
P Dillon
M Gannon

Special Appointments Committee

Councillors A Douglas
M Brain
L Caffrey
P Dillon
K Dodds
C Donovan
P Foy
M Gannon

L Green
J Hamilton
H Hughes
M McNestry

Contracts Committee

Councillors J Eagle
M Gannon
L Green
C Donovan

Audit and Standards Committee

Councillors P Dillon
J Green
L Green
M Hood
H Hughes
J McElroy

Accounts Committee

Councillors M Gannon
C Donovan

Substitute M Foy

Health and Wellbeing Board

Councillor L Caffrey
M Graham
J Green
Leader of the Council
2 Cabinet Members (Adult Social Care and Health and Wellbeing)

OVERVIEW AND SCRUTINY COMMITTEES

Families OSC

Councillors J Adams
L Caffrey
B Clelland
A Geddes
J Graham
S Green
M Hall
J Kielty
L Kirton
K McCartney
E McMaster
R Mullen
B Oliphant
S Ronchetti
C Simcox

Corporate Parenting Sub

Councillors J Adams
B Clelland
A Geddes
S Green
M Hall
B Oliphant
C Simcox

Care, Health and Wellbeing OSC

Councillors C Bradley
M Charlton
D Davidson
W Dick
K Ferdinand
B Goldsworthy
M Goldsworthy
M Hood
J Kielty
L Kirton
R Mullen
P McNally
J Simpson
N Weatherley
A Wheeler

Communities and Place OSC

Councillors L Caffrey
D Davidson
S Dickie
P Dillon
K Dodds
K Ferdinand
J Graham
T Graham
M Hood
H Hughes
K McCartney
C McHugh
J Simpson
J Turnbull
A Wheeler

Community Safety Sub

Councillors S Dickie
P Dillon
K Dodds
T Graham
H Hughes
J Turnbull
A Wheeler

Corporate Resources OSC

Councillors L Caffrey
M Charlton
P Dillon
J Eagle
P Foy
T Graham
J Green
S Green
M Hall
J Hamilton
M Henry
B Oliphant
A Thompson
Weatherley
K Wood

OTHER BODIES OF THE COUNCIL

Honours Advisory Group

Councillors M Brain
L Caffrey
K Dodds
C Donovan
P Foy
M Gannon
B Oliphant
N Weatherley

JOINT COMMITTEES AND JOINT AUTHORITIES

Northumbria Police and Crime Panel

Councillor G Haley

Substitute: M Gannon

OUTSIDE BODIES

Local Government Association General Assembly

Councillors B Goldsworthy
 C Donovan
 M Gannon
 L Twist

SIGOMA

Councillor M Gannon

Executive Committee

Councillor M Gannon

MAJOR REGIONAL AND LOCAL BODIES

North East Combined Authority

Councillor M Gannon

Substitute C Donovan

Transport North East Committee

Councillors S Green
J McElroy

Substitute L Twist

Transport North East (Tyne and Wear) Sub Committee

Councillor J McElroy

Substitute L Twist

Overview and Scrutiny Committee

Councillors P Dillon
J Eagle

Governance Committee

Councillor H Hughes

Substitute M Hood

Economic Development and Regeneration Advisory Board

Councillor M Foy

Substitute L Twist

Leaders' and Elected Mayors Group

Councillor M Gannon

Substitute C Donovan

Collaborative Procurement Sub Committee

Councillor J Eagle

Resources Task and Finish Group

Councillor M Gannon

Culture Partnership Board

Councillor G Haley

Pensions Committee – South Tyneside MBC

Councillor B Goldsworthy

Substitute G Haley

Regional Employers' Organisation

Councillors M Brain
L Caffrey
M Henry

GATESHEAD METROPOLITAN BOROUGH COUNCIL

ANNUAL MEETING

20 MAY 2016

Gateshead Council Liberal Democrat Group nominations to Council and other bodies for the municipal year 2016/17

DECISION MAKING BODIES OF THE COUNCIL

Planning and Development Committee

Councillors S Craig
J McClurey
C Ord
I Patterson

Licensing and Regulatory Committees (same membership for both Committees)

Councillors D Duggan
M Ord
C McHatton

Rights of Way Committee

Councillor M Ord

Appeals Committee

Councillors C McHatton
C Ord
M Ord
P Maughan

Personnel Appeals Committee

Councillors R Beadle
M Ord

Pensions and Pay Discretions Sub Committee

Councillor R Beadle

Special Appointments Committee

Councillors R Beadle
J McClurey
J Wallace

Contracts Committee

Councillor J Wallace

Audit and Standards Committee

Councillor J McClurey

Accounts Committee

Councillor J Wallace

Substitute: R Beadle

Health and Wellbeing Board

Councillor Beadle

OVERVIEW AND SCRUTINY COMMITTEES

Families

Councillors S Craig
C McHatton
S Hawkins

Corporate Parenting Sub

Councillors S Craig
C McHatton

Care, Health and Wellbeing

Councillors J Wallace
P Maughan
I Patterson

Communities and Place

Councillors P Craig
J McClurey
D Duggan

Community Safety Sub

Councillors J McClurey
P Craig

Corporate Resources

Councillors R Beadle
J Wallace (Vice Chair)
M Ord

OTHER BODIES OF THE COUNCIL

Honours Advisory Group

Councillors J Wallace
C Ord

JOINT COMMITTEES AND JOINT AUTHORITIES

Northumbria Police and Crime Panel

Councillor J McClurey

Substitute: P Craig

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Appendix 1(b)(iv)

GATESHEAD METROPOLITAN BOROUGH COUNCIL

ANNUAL MEETING

20 May 2016

Nominations for the chairs and vice-chairs of the bodies listed in Annex 1A to Part 3 of the Constitution and of the Overview and Scrutiny Committees

Planning and Development Committee

Chair Councillor J Hamilton
Vice-Chair Councillor B Goldsworthy

Licensing and Regulatory Committees

Chair Councillor K Dodds
Vice-Chair Councillor W Dick

Appeals Committee

Chair Councillor M Goldsworthy
Vice-Chair Councillor B Clelland

Personnel Appeals Committee

Chair Councillor M Gannon
Vice-Chair Councillor C Donovan

Audit and Standards Committee

Chair Councillor H Hughes
Vice Chair Councillor M Hood

Special Appointments Committee

Chair Councillor M Gannon
Vice-Chair Councillor C Donovan

Contracts Committee

Chair Councillor M Gannon
Vice-Chair Councillor C Donovan

Accounts Committee

Chair Councillor M Gannon
Vice-Chair Councillor C Donovan

Rights of Way Committee

Chair K Wood
Vice-Chair C Bradley

Health and Wellbeing Board

Chair Councillor L Caffrey
Vice Chair Councillor J Green

Pensions and Discretions Sub Committee

Chair Councillor M Gannon
Vice-Chair Councillor C Donovan

Overview and Scrutiny Committees

Families

Chair Councillor B Oliphant
Vice-Chair Councillor S Green

Care, Health and Wellbeing

Chair Councillor N Weatherley
Vice-Chair Councillor M Charlton

Communities and Place

Chair Councillor P Dillon
Vice-Chair Councillor T Graham

Corporate Resources

Chair Councillor J Eagle
Vice-Chairs Councillor P Foy
 Councillor J Wallace

Corporate Parenting Sub Committee

Chair Councillor B Oliphant
Vice-Chair Councillor S Green

Community Safety Sub Committee

Chair Councillor P Dillon
Vice Chair Councillor T Graham



COUNCIL MEETING

26 May 2016

GATESHEAD METROPOLITAN BOROUGH COUNCIL

Jane Robinson, Chief Executive

PROVISIONAL WORK PROGRAMMES

Purpose of the Report

1. This report asks the Council to approve its Overview and Scrutiny Committees provisional work programmes for 2016-17.

Proposal

2. Corporate Resources, Communities and Place, Families and Care, Health and Wellbeing Overview and Scrutiny Committees and Community Safety Sub and Corporate Parenting Sub OSCs have considered and agreed their work programmes at their respective meetings held on 11, 14, 18 and 19 April 2016 and 21 and 22 March 2016.
3. Each Committee endorses a provisional work programme for 2016/17 based on the Council's policy framework and these are set out in Appendix 1. The Council's constitution requires that these work programmes are agreed on an annual basis by the Council.
4. These programmes are provisional for a number of reasons:

Firstly, as Cabinet has not had the opportunity to fully review its current work programme and there may be further issues which it may wish to refer to Overview and Scrutiny Committees for consideration.

Secondly, the work programmes do not take into account any new policy issues which may be identified during the year which Cabinet may refer to Overview and Scrutiny.

In addition, the programmes do not as yet include issues identified by councillors of the respective Committees during the year as a result of ongoing scrutiny of decisions, councillor calls for action and call-in.

Revisions to the work programmes of the respective Committees are therefore likely to occur from time to time and will be reported back to those Committees as and when appropriate.

Recommendation

5. The Council is recommended to approve the provisional work programmes for the Overview and Scrutiny Committees for 2016/2017.

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Draft Communities & Place OSC 2016/2017	
20 June 16	<ul style="list-style-type: none"> • The Council Plan - Year End Assessment and Performance Delivery 2015-16 • Five Year Target Setting 2016-17 • OSC Review- Impact of Gambling on the Borough - Scoping report • Odour Issues from Landfill Sites- Update Report
12 September 16	<ul style="list-style-type: none"> • OSC Review - Impact of Gambling on the Borough - Evidence Gathering • Monitoring - OSC Review of Opportunities to Promote Rural Gateshead • Progress Update - Reducing Carbon Emissions • Flood Risk Management Strategy
31 October 16	<ul style="list-style-type: none"> • OSC Review - Impact of Gambling on the Borough - Evidence Gathering • Case Study - Street Cleanliness - Enforcement, Education and Community Involvement
5 December 16	<ul style="list-style-type: none"> • OSC Review - Impact of Gambling on the Borough - Evidence Gathering • The Council Plan - Six Monthly Assessment of Performance and Delivery 2016-17
30 January 17	<ul style="list-style-type: none"> • OSC Review - Impact of Gambling on the Borough - Evidence Gathering • Work Programme Review
6 March 17 <u>(5.30pm meeting)</u>	<ul style="list-style-type: none"> • OSC Review - Impact of Gambling on the Borough - Interim Report • The Flood and Water Management Act 2010: Annual Progress Report
24 April 17	<ul style="list-style-type: none"> • OSC Review - Impact of Gambling on the Borough - Final Report • Monitoring - OSC Review of Opportunities to Promote Rural Gateshead • Annual Report of Talisman • Impact of Early Work on Place Shaping for Health and Wellbeing - Progress Update

Issue to slot in

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Corporate Resources OSC 2016/2017	
27 June 16	<ul style="list-style-type: none"> • Constitution/role/remit • The Council Plan – Year End Assessment and Performance Delivery 2015-16 • Five Year Target Setting 2016-17 • Gateshead Fund Update • Freedom of Information – Annual Report 2015 (deferred from 11 April 16) • Devolution Update
5 September 16	<ul style="list-style-type: none"> • Resilience and Emergency Planning Framework - Progress Update • Case Study – Workforce Strategy
17 October 16	<ul style="list-style-type: none"> • Corporate Complaints Procedure - Annual Report 2015-16 • Annual Health and Safety Performance Report • Comprehensive Impact Assessments and the Council Plan – Progress Update • Implementation of Gateshead Volunteers Plan – Annual Report
28 November 16	<ul style="list-style-type: none"> • The Council Plan – Six Monthly Assessment of Performance and Delivery 2016-17 • Corporate Asset Management – Delivery and Performance Report • Sickness Absence / Health of the Workforce
23 January 17	<ul style="list-style-type: none"> • OSC Work Programme Review • Gateshead Communities Together Annual Update • Support to Voluntary and Community Sector
27 February 17	<ul style="list-style-type: none"> • Information Governance Report • Case Study – Implementation / Roll Out Universal Credit
3 April 17	<ul style="list-style-type: none"> • Resilience and Emergency Planning Framework - Progress Update • Freedom of Information - Annual Report 2016 • Sickness Absence / Health of the Workforce

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Draft Families OSC 2016/17	
16 June 16	<ul style="list-style-type: none"> • The Council Plan - Year End Assessment and Performance Delivery 2015-16 • Five Year Target Setting 2016-17 • OSC Review- Scoping report (<i>Behnam / Pam Lee</i>) • Safeguarding Children - LSCB Annual Report and Plans • 0-19 Public Health Developments
8 September 16	<ul style="list-style-type: none"> • OSC Review - Evidence Gathering • Annual Report on Complaints and Representations - Children • Ofsted Inspections/School Data - Progress Update • Monitoring - OSC Review of Child Protection • Gateshead Child Health Profile
20 October 16	<ul style="list-style-type: none"> • OSC Review - Evidence Gathering - • Performance Improvement Update - Children Presenting at Hospital as result of Self Harm (<i>Behnam / Catherine Horne CCG</i>) • Children and Young People's Plan - Refresh and Commissioning Priorities • Case Study? • Update on health in schools traded service
1 December 16	<ul style="list-style-type: none"> • OSC Review - Evidence Gathering • OSC Work Programme Review • The Council Plan - Six Monthly Assessment and Performance Delivery (LSCB progress update as part of this report)*
26 January 17	<ul style="list-style-type: none"> • OSC Review - Evidence Gathering • Ofsted - Annual Report • Liaison with Gateshead Youth Assembly
2 March 17	<ul style="list-style-type: none"> • OSC Review - Interim Report • Annual Conversation with Head Teachers of Special Schools • Case Study?
6 April 17 <u>5.30pm meeting</u>	<ul style="list-style-type: none"> • OSC Review - Final Report • Monitoring - OSC Review of Child Protection • Closing the Gap - Annual Report

Issues to slot in

- **Update Report - Implementing the government's FGM and Radicalisation obligations for schools and child carers**
- **Monitoring Report on the recruitment and retention of Social Workers**

Draft Care, Health & Well-being OSC 2016/2017	
21 June 16	<ul style="list-style-type: none"> • The Council Plan - Year End Assessment and Performance Delivery 2015-16 • Five Year Target Setting 2016-17 • Safeguarding report and Social Care - Service Improvement Update (<i>Annual Report of Adult Safeguarding Board to be attached for consideration by OSC and Chair of Board to attend</i>) • OSC Review- Scoping report • Winter Pressures / Urgent Care Progress Update
13 September 16 (5.30pm meeting)	<ul style="list-style-type: none"> • Monitoring - OSC Review of GP Access • OSC Review - Evidence Gathering • Gateshead Healthwatch • Social Services Annual Report on Complaints and Representations - Adults
1 November 16	<ul style="list-style-type: none"> • OSC Review - Evidence Gathering • Social Care Service Improvement Update • Adult Social Care Account • Health and Well-Being Board - Progress Update
6 December 16	<ul style="list-style-type: none"> • OSC Review - Evidence Gathering • The Council Plan - Six Monthly Assessment of Performance and Delivery
24 January 17	<ul style="list-style-type: none"> • Care Act Update • Safeguarding and Social Care Service Improvement Update • OSC Work Programme Review
7 March 17	<ul style="list-style-type: none"> • OSC Review - Interim Report • Gateshead Healthwatch • Case Study - Delayed Transfers of Care (Linked to Evaluation of new model for Adult Social Care)
25 April 17	<ul style="list-style-type: none"> • OSC Review - Final Report • Monitoring - OSC Review of GP Access • Health and Well-Being Board - Progress Update

Issues to slot in

- Impact of any health transformations on adult services.
- Quality Accounts - Gateshead Health NHS Trust and NTW NHS Foundation Trust and South Tyneside NHS Foundation Trust

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Community Safety Sub OSC Work Programme 2016-17 (DRAFT)	
28 June 2016	<ul style="list-style-type: none"> • The Council Plan - Year End Assessment and Performance Delivery 2015-16 • Five Year Target Setting 2016-17 • Safer Gateshead Partnership Plan 2016-17 • Community Safety Board Communication and Engagement Plan - Progress Update
4 Oct 2016 <u>5.30pm meeting</u>	<ul style="list-style-type: none"> • Implementation of Safer Gateshead Priorities - progress update • Progress Update - Actions re Prevent Agenda • Progress Update - Domestic Abuse including MATAC
17 Jan 2017	<ul style="list-style-type: none"> • Serious Violence and Domestic Homicide - Progress Update • Update on Families OSC
4 April 2017	<ul style="list-style-type: none"> • Implementation of Safer Gateshead Priorities - end of year performance • Progress Update - Actions re Prevent Agenda • Safer Gateshead Draft Priorities 2017-18

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Corporate Parenting OSC Work Programme 2016-17 (DRAFT)	
4 July 2016 1.30pm	<ul style="list-style-type: none"> • Health of LAC Annual Report • Adoption Annual Report • Regulation 33 Report • Ofsted - Specific LAC Improvement Plan • Child and Adolescent Mental Health Service (CAHMS) for LAC (<i>deferred from 2015/16 work programme</i>)
10 October 2016 4.30pm	<ul style="list-style-type: none"> • Young Peoples Presentation • Fostering Service Annual Report • Performance Overview • Regulation 33 Report
16 January 2017 1.30pm	<ul style="list-style-type: none"> • Missing from Care Annual Report • Education Annual Report • Regulation 33 Report • Children in External Placements
20 March 2017 4.30pm	<ul style="list-style-type: none"> • Young Peoples Presentation • Performance Overview • Regulation 33 Report • Ofsted - Specific LAC Improvement Plan - Progress Update

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COUNCIL MEETING

26 May 2016

**DOMICILIARY CARE – THE FUTURE MODEL FOR
ENABLEMENT AND THE RESTRUCTURING OF IN-HOUSE
DOMICILIARY CARE SERVICES**

Jane Robinson, Chief Executive

Mike Barker, Strategic Director, Corporate Services and Governance

EXECUTIVE SUMMARY

1. The purpose of this report is to seek approval of the proposals to retain the in-house domiciliary care service while adopting more efficient working arrangements and transfer part of it into the enhanced enablement service.
2. On 23 February 2016, Cabinet considered a report seeking approval to consult on proposals to create an enhanced in-house enablement function as part of the redesign of Adult Social Care.
3. The new contract for domiciliary care has proved problematic since its establishment in August 2015 for reasons beyond the remit of the attached report, and to the extent that capacity and quality have been an issue, with one provider subject to contract suspension and Care Quality Commission notice.
4. Whilst the original premise set out in the report to Cabinet was sound, the timing for the delivery of the new model within prevailing market conditions has meant it is necessary to reconsider how this will be achieved.
5. In order to address the issues outlined within the attached report, the revised proposal is to create an enhanced in-house enablement service through transferring sufficient employees from the current in-house domiciliary care service and to retain the remaining workforce.
6. The Cabinet has considered the facts and issues arising from the report including alternative options and took all relevant advice before formulating their recommendation.

RECOMMENDATION

7. It is recommended that Council agree to continue to deliver domiciliary care services through enablement and longer term provision, and for consultations to continue with the trade unions and workforce on the application of more efficient working arrangements.

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TITLE OF REPORT: Domiciliary Care - The Future Model for Enablement and the Restructuring of In-house Domiciliary Care Services

REPORT OF: Alison Elliott, Interim Strategic Director, Care Wellbeing and Learning

Purpose of the Report

1. To seek Cabinet and Council approval on the proposals to retain the in-house domiciliary care service while adopting more efficient working arrangements and transfer part of it into the enhanced enablement service.

Background

2. The Council Plan 2015-2020 provides clear policy directions for the Council to follow if it is to be successful in its strategy of maximising growth, reducing costs and increasing collective responsibility. A key element is prevention and early intervention, working in partnership to make sure people are protected but also supported earlier so that they can retain their independence, remain in their own homes and be active in their community.
3. Cabinet considered a report on 23 February 2016 seeking to consult on the proposals to create an enhanced in-house enablement function. To achieve this, a recommendation was made to move resources from in-house services and commission services through the independent sector. The savings realised through the lower unit cost of independent sector provision would be re-invested into the creation of the enhanced enablement service.
4. The proposal was predicated upon possessing a sufficiently mature independent sector market to be able to accept transferred packages of care as well as continuing to provide services within the newly established domiciliary care contract.
5. The new contract for domiciliary care has proved problematic since its establishment in August 2015 for reasons beyond the remit of this report and to the extent that capacity and quality have been an issue, with one provider subject to contract suspension and Care Quality Commission (CQC) notice.
6. Market conditions are such that it would seem reasonable at this point not to de-commission existing in-house domiciliary care services but to reconfigure them in a manner that will still enable the creation of an in-house enablement function.
7. Whilst the original premise set out in the 23 February report to Cabinet was sound, the timing for the delivery of the new model within prevailing market conditions has meant it is necessary to reconsider how this will be achieved.

8. Three key factors impact upon the creation of the new model of care:
 - TUPE transfer liabilities and the logistics of accommodating these in tandem with the need to create the enablement function within reasonable timescales.
 - Market conditions and its ability to accept the increase in demand and to deliver services of an appropriate standard.
 - The funding gap of £0.6m between the cost of the existing structure and the proposed enhanced structure.

Proposal

9. In order to address the issues outlined above, the revised proposal is to create an enhanced in-house enablement service through transferring sufficient employees from the current in-house domiciliary care service and to retain the remaining workforce
10. By retaining an in-house workforce, either within the enhanced enablement function or within the restructured in-house domiciliary care provision, the issue of TUPE would not apply as individual selected packages of care could be transferred to the independent sector without TUPE liability.
11. By limiting the amount of transferred packages to the independent sector to only the number required to enable staff to transfer into the enhanced enablement service, would mean that a more manageable amount of provision would transfer to the independent sector. This will in turn enable commissioners to address capacity and quality issues within the current market.
12. By adopting more efficient and flexible working arrangements for all existing in-house staff, combined with the lower rate of externally procured services, it will be sufficient to bridge the funding gap between the existing cost of enablement and the new enhanced model without having to re-provide all current in-house provision to the independent sector. The new working arrangements will involve greater standardisation in the rotas adopted and increased flexibility in the allocation of workers; greater lone working (where it is safe to adopt) and the implementation of electronic monitoring systems.
13. Financial modelling demonstrates that 730 hours of care provision need to be transferred to the independent sector to release sufficient resources to meet the cost of the enhanced enablement service.
14. It is clear that there are a number of complexities and interdependencies which need to be recognised and accommodated to enable the new model of care to be implemented. Not least of which is the re-shaping of an external domiciliary care market which has been unable to deliver, on both volume and quality, the standards that should rightly be expected by the community of Gateshead.
15. This vulnerability has led to a reconsideration of the timescales associated with the adoption of the new model of care, and also the Council's place within the market itself and how best to establish the standards required. There is a need to take a

critical look at the market as a 'whole system economy' and the role of Council run provision within it.

16. The proposal as set out seeks to establish the implementation of an enhanced model of enablement whilst recognising that the vulnerability of current market conditions precludes the Council from realising its full potential or return on investment as quickly as had been anticipated. However, it is a pragmatic solution to ensure that the outcomes required are impacted as little as possible by factors beyond the model itself.

Recommendations

17. It is recommended that the Council be recommended to agree to continue to deliver domiciliary care services through enablement and longer term provision, and for consultations to continue with the trade unions and workforce on the application of more efficient working arrangements.

For the following reasons:

- (i) To facilitate the implementation of the new model of Adult Social Care and achieve the required budget savings.
- (ii) To ensure that the Council is able to meet its legal requirement to provide services to vulnerable people in the community whilst developing the independent sector market to deliver services of the necessary volume and quality required.

CONTACT: Paul Grubic

extension: 3919

Policy Context

1. The Council is operating in a challenging national policy context which has been compounded by Government funding reductions and announcements that indicate further significant, but as yet, unquantified reductions in resources available for local government.
2. The Council has approached the budget consultation for 2016-18 based on the Council Plan for 2015-2020 to:
 - Meet the needs of Gateshead based on a Strategic Needs Assessment
 - Sustain Vision 2030 and uphold the Council's values
 - Reach decisions and manage change in a principled way.
3. The Care Act places new duties on local authorities to facilitate and shape their market for adult care and support as a whole, so that it meets the needs of all people in their area who need care and support, whether arranged or funded by the state, by the individual themselves, or in other ways. The ambition is for local authorities to influence and drive the pace of change for their whole market, leading to a sustainable and diverse range of care and support providers, continuously improving quality and choice, and delivering better, innovative and cost-effective outcomes that promote the wellbeing of people who need care and support.

Background

4. Cabinet received a report on the 23February 2016, seeking approval to consult on proposals to create an enhanced in-house enablement function as part of the redesign of Adult Social Care. It stated that in order to create an enablement function that was effective in maximising independence there would need to be consultation and consideration of moving budget and resource from in-house domiciliary care. The proposal formed part of the redesign of Care Wellbeing and Learning budget savings for 2016/17.

Consultation

5. Provisional consultations have been held with the Trades Unions on these proposals. If Cabinet and Council agrees, further more detailed discussions will be held on the changes to working arrangements required to deliver the efficiencies required.

Alternative Options

6. The Council could retain the current service delivery model but this would not enable resources to be released to enhance the current enablement service and support the new model of service delivery.

Implications of Recommended Option

7. Resources:

- a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that the proposals outlined in this report will enable resources to be released to deliver the new enhanced enablement service. The enablement service is an integral part to the transformation of adult social care, which has a budget saving of £3.3m for 2016/17.
- b) **Human Resources Implications** – It is proposed to make changes to working arrangements including: the adoption of standardised rotas across a 7 day week; greater flexibility in the allocation of workers; the increase in lone working (where safe to do so) and the implementation of an electronic monitoring system. Only a small number of employees will see a reduction in their working week (7 employees having a reduction in their working week from 37 to 30 hours). They will be compensated in line with the Council's compensatory payments formula.

Employees will be invited to apply for roles in the enablement service. Full training and support will be given for those employees wishing to move into an enablement role. There are no redundancy implications arising out of these proposals as there are sufficient posts for the entire workforce – either within enablement or the retained long term service.

- c) **Property Implications** - There are no direct property implications arising from this report, any property implications arising from the outcome of the consultation will be the subject of a further report.

8. **Risk Management Implication** - There may be issues of phasing the transfer of packages of care from current in-house provision with the geographical availability and staff capacity/capability of the independent provider. Comprehensive reviews and risk assessments will be undertaken to ensure that any risk associated with transfer will be understood and accommodated in full consultation with service users, their current in-house carer and their own relative/carer where this applies.
9. **Equality and Diversity Implications** - The Equality Impact Assessment will be used to inform the decision making process by identifying unforeseen adverse impacts from the proposal and use that evidence; if these are sufficiently severe it would be appropriate to re-design the proposal. If re-design is not appropriate the information will be used to mitigate adverse effects.
10. **Crime and Disorder Implications** – The draft proposal put forward do not have any direct crime and disorder implications.
11. **Health Implications** - The draft proposal put forward do not have any health implications.
12. **Sustainability Implications** - The draft proposals put forward do not have any sustainability implications.

13. **Human Rights Implications** - The implications of the Human Rights Act will be identified through consultation with service users and staff and a decision taken on the proportionality and necessity of any such proposal before it is implemented. The proposal supports a person's rights to respect for their private and family life by offering enhanced opportunities to remain independent in their own homes which, research indicates, is the first preference for most individuals.
14. **Area and Ward Implications** - The recommendations apply to all Areas and Wards.



COUNCIL MEETING

26 May 2016

CIVIL BUS LANE ENFORCEMENT IN GATESHEAD

Jane Robinson, Chief Executive

Mike Barker, Strategic Director, Corporate Services and Governance

EXECUTIVE SUMMARY

1. The purpose of this report is to seek approval of bus lane traffic contraventions in Gateshead and to set the charge level for the contraventions and to nominate a Councillor to the Bus Lane Adjudication Joint Committee.
2. A move to more sustainable modes of travels is a key focus of local, regional and national transport policy. Bus use per capita remains higher in North East England than in any other region of the country outside London.
3. The Council received the statutory power to undertake bus lane enforcement in 2007, at the same time as civil parking enforcement were granted however, the Council's bus lane enforcement powers have never been utilised and the power to enforce bus lanes within the borough has fallen to the Police alone.
4. Regulations enable traffic authorities to allow certain classes of vehicles other than buses to use bus lanes without the need for special authorisation. Councils introducing bus lane enforcement should determine their general approach to such exemptions and should also determine the level of a penalty charge. The Council must also formally appoint one of its members to the Bus Lane Adjudication Joint Committee.
5. Enforcement would initially be by means of the Council's existing approved mobile CCTV vehicle, but it is expected that a system of fixed CCTV cameras would be utilised once driver behaviours become clearer.
6. The Cabinet has considered the facts and issues arising from the report including alternative options and took all relevant advice before formulating their recommendation.

RECOMMENDATION

7. It is recommended that Council:
 - i) Approves the Code of Practice relating to the use of CCTV for Civil Parking and Bus Lane Enforcement and connected purposes, as set out in Appendix 4 of the attached report
 - ii) Amends the Constitution to give delegated authority to the Service Director, Development, Public Protection and Transport Strategy to carry out the statutory procedure to introduce and operate civil bus lane

enforcement and to make such technical amendments to the Council's Code of Practice for CCTV Enforcement as may be required to comply with changes to national legislation or guidance, or decisions of the Traffic Penalty Tribunal

iii) Approves the level of Penalty Charge for bus lane contraventions at £60

TITLE OF REPORT: Civil Bus Lane Enforcement in Gateshead**REPORT OF: Paul Dowling, Strategic Director, Communities & Environment**

Purpose of the Report

1. To seek Cabinet approval to introduce civil enforcement of bus lane traffic contraventions in Gateshead and to recommend to Council that it sets a charge level for the contraventions and nominates one of its Councillors to the Bus Lane Adjudication Joint Committee.

Background

2. A move to more sustainable modes of travel is a key focus of local, regional and national transport policy. Bus use per capita remains higher in North East England than in any other region of the country outside London. Although that figure has declined over the last decade, a significant factor in encouraging people to make sustainable travel choices is ensuring that services are able to run as efficiently as possible, especially on key routes. Effective enforcement will lead to service improvements and should in turn lead to increased bus use.
3. The Council received the statutory power to undertake bus lane enforcement in 2007, at the same time as our civil parking enforcement powers were granted. These powers are in addition to those held by the Police. However, our bus lane enforcement powers have never been utilised and the power to enforce bus lanes within the Borough has fallen to the Police alone.
4. Regulations enable traffic authorities to allow certain classes of vehicles other than buses to use bus lanes without the need for special authorisation. Councils introducing bus lane enforcement should therefore determine their general approach to such exceptions.
5. Prior to commencement, the Council must approve one of two options for the level of the penalty charge (either £60 or £40) and that decision must then be submitted to the Secretary of State for ratification. The Council must also formally appoint one of its members to the Bus Lane Adjudication Joint Committee, in the same way that it has to the PATROL Joint Committee in relation to Civil Parking Enforcement.
6. Enforcement would initially be by means of the Council's existing approved mobile CCTV vehicle, but it is expected that a system of fixed CCTV cameras would be utilised once driver behaviours become clearer.
7. A new Traffic Regulation Order will be required to re-designate the bus lanes and the classes of vehicle authorised to use them.
8. National guidance exists in relation to what exemptions should apply, and it is proposed to follow this guidance unless there are clear reasons to depart from it.

Proposal

9. It is proposed that Gateshead Council commences bus lane enforcement with effect from 1 November 2016.

Recommendations

10. It is recommended that Cabinet:
- (i) Agrees to the introduction of civil bus lane enforcement in Gateshead with effect from 1 November 2016 (or as soon thereafter as practicable, subject to completion of the statutory processes) on the basis of the key principles outlined in Appendix 2;
 - (ii) Agrees to appoint the Cabinet Member for Environment and Transport to the Bus Lane Adjudication Joint Committee;
 - (iii) Recommends Council to approve the Code of Practice relating to the use of CCTV for Civil Parking and Bus Lane Enforcement and connected purposes, as set out in Appendix 4;
 - (iv) Recommends Council to amend the Constitution to give delegated authority to the Service Director, Development, Public Protection and Transport Strategy to carry out the statutory procedure to introduce and operate civil bus lane enforcement and to make such technical amendments to the Council's Code of Practice for CCTV Enforcement as may be required to comply with changes to national legislation or guidance, or decisions of the Traffic Penalty Tribunal.
 - (v) Recommends Council to set the level of Penalty Charge for bus lane contraventions at £60.

For the following reasons:

- (i) To improve the reliability of local bus services, and thereby encourage greater use of buses;
- (ii) To comply with the relevant statutory and procedural requirements;
- (iii) To ensure enforcement can commence with effect from 1 November 2016;
- (iv) To improve consistency in enforcement.

CONTACT: Andy Waters extension: 3837

Policy Context

1. The proposal supports the “Sustainable Gateshead” strand of Vision 2030 by facilitating and encouraging more sustainable travel options. It will also address some of the traffic congestion problems set out under “Gateshead the Place” within the 2015-2020 Council Plan.
2. The proposal will directly address the need to enforce bus priority lanes set out in the Tyne and Wear Local Transport Plan for 2011-2021.

Background

3. A move to more sustainable modes of travel is a key focus of local, regional and national transport policy. Bus use per capita remains higher in North East England than in any other region of the country outside London. Although that figure has declined over the last decade, a significant factor in encouraging people to make sustainable travel choices is ensuring that services are able to run as efficiently as possible, especially on key routes. Effective enforcement will lead to service improvements and should in turn lead to increased bus use.
4. The Council received the statutory power to undertake bus lane enforcement in 2007, at the same time as civil parking enforcement powers were granted. These powers are in addition to the powers held by the Police. However, the bus lane enforcement powers have never been utilised and the power to enforce bus lanes within the Borough has fallen to the Police.
5. Work is ongoing to review the Borough’s existing network of bus lanes to ensure that they remain fit for purpose in the current form and that they comply with the statutory requirements for bus lanes set out in legislation. A review of the existing legal orders has also taken place and a new Traffic Regulation Order is being prepared to give legal effect to those which are in need of enforcement.
6. When creating a bus lane, the Council must decide whether the use by buses only should apply at all times or only at certain times of the day or on certain days. It must also decide whether to allow buses alone to use it or whether to allow certain other classes of vehicle to do so as well.
7. However, standard signs contained within the Traffic Signs Regulations and General Directions allow either for buses/local buses only to use bus lanes, or for the following additional classes of vehicles to use them:
 - a. Cycles
 - b. Motorcycles
 - c. Taxis (hackney carriages only)
8. Vehicles being used for police, fire or ambulance purposes are exempt from the bus lane restriction without the need for signage. However, if the Council wishes to exempt any other class of vehicle, that exemption must be incorporated within the bus lane entry sign. The usual way of doing this would be for the sign to include the words “authorised vehicles” and the Council must then take steps to ensure that

such classes of vehicles know whether or not they are authorised for these purposes.

9. The DfT guidance document *Keeping Buses Moving* (Local Transport Note 1/97, which remains in effect) makes it clear that great care must be taken when deciding to allow classes of vehicles other than those listed above to use bus lanes. The document specifically states that use of bus lanes by private hire vehicles is not recommended and it is not proposed that the Council depart from this guidance.

Level of Penalty Charge

10. The DfT guidance on bus lane enforcement in England sets out the options open to Local Authorities in relation to setting the level of the Penalty Charge Notice (PCN). The levels of PCN's relating to bus lanes are £40 or £60, and the amount payable is reduced by 50% if paid within 14 days of service of the PCN. This report proposes that the Council sets the level of PCN at £60.00, (£30.00 if paid within 14 days of service). This proposal is made for the following reasons:

- The objective of bus lane enforcement in the Borough is to improve compliance in the use or non-use of bus lanes, which will in turn improve the Borough's bus services.
- Setting the level at the higher amount will provide the maximum deterrent to drivers.
- Similar parking contraventions are set at the higher level and therefore setting a similar level for bus lane contraventions will provide a consistency in enforcement penalties. To set the level for bus lane PCNs any lower than £60 may lead to the perception of inconsistency between enforcement penalties and could engender public perception that a bus lane contravention is a "lesser offence" than a parking contravention, therefore having a negative impact on compliance.

11. Section 16 of the Traffic Management Act 2004 imposes a *duty* on the Council, as local traffic authority, to manage its road network with a view to achieving, so far as may be reasonably practicable, having regard to its other obligations, the following objectives:-

- securing the expeditious movement of traffic on the authority's road network; and
- facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.

12. A statutory Notice advising the public of the introduction of civil enforcement of bus lanes will be published in the press not less than 14 days before enforcement commences.

Consultation

13. The Cabinet Members for Environment and Transport and the Leader of the Council have been consulted about these proposals and are in agreement that civil bus lane enforcement should be introduced in Gateshead.
14. The Chief Officer of Northumbria Police and a range of other organisations were also consulted; these are listed in Appendix 3. None of those who responded opposed the fundamental proposal to commence civil enforcement of bus lane contraventions.
15. Implementation of Civil Bus Lane Enforcement in Gateshead formed part of the Council's public budget consultation.
16. Representations have been received from the National Blood Service and others asking whether they might be permitted to travel in our bus lanes. Many of these organisations will be covered by standard exemptions, and the circumstances in which these may apply will be communicated to the relevant organisations nearer to implementation.

Alternative Options

17. The Council is under no statutory obligation to undertake any enforcement of its bus lanes. However, it is unlikely that Northumbria Police will be willing to devote significant police resources to this in the future, and bus lanes across the borough would therefore effectively become merely advisory.

Implications of Recommended Option

18. Resources

- a. **Financial Implications** – The Strategic Director, Corporate Resources, confirms that the cost of introducing and operating bus lane enforcement will be met from the penalty charge income received.
- b. **Human Resources Implications** – In the longer term, the generation of significant numbers of penalty charge notices may place added pressure on the appeals function within the Parking Services team. Staffing levels will therefore need to be kept under review.
- c. **Property Implications** – None

19. **Risk Management Implications** – Failure to carry out civil enforcement of bus lanes is likely to result in them becoming increasingly abused. To minimise the risk of legal challenge, the Strategic Director, Corporate Services and Governance, recommends adherence to national guidance unless there are clear and overriding reasons for departing from it.

20. **Equality & Diversity Implications** – None. Implementation of civil bus lane enforcement will particularly support the reliability of and access to bus services, which are often particularly valuable to disabled travellers.

21. **Crime & Disorder Implications** – The introduction of Civil Bus Lane Enforcement will enable the police to use any time currently spent dealing with bus lane contraventions on more core policing tasks.

22. **Health Implications** – None

23. **Sustainability Implications** – Implementation of the proposal will make bus services more reliable and therefore encourage greater use of such services.

24. **Human Rights Implications** – None. The Strategic Director, Corporate Services and Governance, confirms that bus lane enforcement will operate within a statutory framework.

25. **Area & Ward Implications** – All wards with bus lanes will be affected.

GATESHEAD COUNCIL**Key Principles of Bus Lane Enforcement in Gateshead**1. Introduction

Bus lanes are a key tool in helping buses to run on time and thereby encouraging more people to choose to travel by bus rather than by car. However, bus lanes which are not enforced risk becoming little more than advisory lanes, with consequent abuse leading to delayed buses and frustration by those motorists who do follow the rules.

Secondary legislation passed in 2007 gave Gateshead Council the power to undertake civil parking enforcement. In line with normal practice, separate regulations passed at the same time granted us the statutory power to carry out enforcement of our bus lanes. Whilst we have utilised our parking enforcement powers, we have not done so in relation to bus lanes.

2. Legal and policy context

The power to carry out civil bus lanes enforcement derives from s144 Transport Act 2000 and regulations issued pursuant to it. These govern all aspects of civil enforcement, from the technology which may be used to the form of notices to be issued. More detailed guidance deals with how the enforcement and associated appeals process should operate and the type of vehicles which should normally be allowed to use the bus lanes.

At a local level, Vision 2030 seeks to create a Sustainable Gateshead by improving how we travel. That in turn supports the objectives of the current Tyne and Wear Local Travel Plan, which actively encourages constituent councils to undertake enforcement of their bus priority lanes in order to improve the reliability of buses.

In order to be capable of enforcement, a bus lane must be designated as such by a Traffic Regulation Order. It must also be marked and signed in accordance with the prevailing version of Traffic Signs Regulations and General Directions. Traffic engineers are in the process of reviewing our bus lanes to ensure that they are both compliant and fit for purpose. Before enforcement can be undertaken, motorists must be clearly able to tell whether or not they are allowed to travel in a bus lane.

Local Transport Note 1/97 makes it clear that cyclists should normally be permitted to use bus lanes where no dedicated alternative facilities exist. This is because it is considered safer for them to travel in bus lanes because they remain adjacent to the kerb. However, because of the greater risk to pedestrian safety, the guidance says that motorcyclists should not normally be granted such an exemption.

Hackney carriages may also be allowed to use bus lanes where the circumstances warrant it (such as where their occupancy rates are particularly high), but vehicles must be easily identifiable. However, the guidance makes it clear that allowing private hire vehicles to benefit from the same exception is not recommended.

3. Pre-implementation

The existing bus lanes in the Borough have been reviewed to ensure they are both enforceable and fit for purpose, focusing on those where enforcement is likely to be necessary. As part of that process, consideration has been given in each case to whether the bus lane should be available for use by buses alone or whether cyclists and/or hackney carriages should also be allowed to use them. To reduce the risk of legal challenges to the validity of our bus lanes, it is proposed to grant only those exceptions which are recommended within the national guidance.

A new Traffic Regulation Order will need to be made prior to the commencement of civil bus lane enforcement. Bus lanes may be changed or created by subsequent amendments to that legal order.

The Council only has the legal power to undertake bus lane enforcement on those roads for which it has been granted civil parking enforcement powers. Application has therefore been made to the Secretary of State for Transport for an Order granting us civil enforcement powers over those roads in respect of which the Council is the Highway Authority where such consent had not been previously been given (such as the A184).

The equipment used to carry out camera-based enforcement in bus lanes must be "type approved" and the Council must be in possession of an appropriate certificate for that purpose. The Council's existing CCTV enforcement vehicle is currently used exclusively for parking violations. However, a Certificate has also been issued enabling its use for bus lane contraventions and it is therefore proposed to use it for civil bus lane enforcement in the first instance.

Consultation has taken place with a range of organisations. Whilst the response rate was low, none of those responses objected to the principle of civil enforcement.

The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 (as amended) require the Council to choose whether to set the level of the penalty charge at either £40 or £60. That decision must then be approved by the Secretary of State for Transport before it can be implemented. Few authorities use the lower level, and a 50% discount is in any case available where payment is made within 14 days. It is proposed that a charge of £60 be applied in Gateshead because that level is considered to be a more effective deterrent.

Before enforcement can begin, an awareness campaign will take place in accordance with the national guidance. Whilst the Council's Communications Team will lead in relation to this, there is a legal requirement to publish the level of charge and the intention to apply it in at least one local newspaper.

Although it operates under different legislation (the Transport Act 2000, rather than the Traffic Management Act 2004) the enforcement and appeals processes relating to bus lanes are almost identical to those relating to parking enforcement. Notice processing and appeals will therefore be handled within the Parking Services team within Communities and Environment using the same back office IT system, although separate processes and accounts will be required.

A formal process will be devised governing how contraventions will be detected and notified to motorists, together with a process for considering appeals and a formal scheme of delegation in that regard. Given the similarity of the legislation, it is likely to mirror the process for parking enforcement and appeals.

The enforcement process will be governed by the Code of Practice set out in Appendix 5 below. This is particularly necessary because of the intended future use of fixed CCTV cameras.

4. Post-implementation

The current team is thought likely to be able to cope with initial workloads generated. However, the experience of other councils who already operate civil bus lane enforcement suggests that a significant increase in volumes is likely in the future if and when fixed cameras are installed and large numbers of contraventions are detected. An incremental approach to roll-out is therefore preferred so that the work can be properly managed and legal requirements and timescales complied with.

Once compliance levels and travel patterns become clearer, it is anticipated that a system of fixed cameras will be used and an appropriate procurement exercise would take place at that time. The approximate cost of each operational unit is currently in the region of £20,000, and it is therefore likely that a mixture of interchangeable real and “dummy” units will offer the appropriate balance between cost and flexibility.

Traffic flows at locations covered by bus lane enforcement will be monitored to ensure that enforcement is effective in delivering the expected improvements in compliance. Bus lanes may subsequently be added to or removed from the Traffic Regulation Order based on changing patterns of demand, particularly in response to the creation or deletion of key bus services.

APPENDIX 3 CONSULTATION

The Council's 2015-17 public budget consultation included Civil Bus Lane Enforcement as one of the options.

The organisations listed below were specifically consulted on 11 June 2015 with regard to the proposal to begin civil bus lane enforcement:

- Neighbouring Highway Authorities
- Cycling Touring Club
- Arriva
- Freight Transport Association
- Gateshead Access Panel
- Go North East
- Highways England
- Living Streets
- North East Ambulance Service
- Nexus
- Northumbria Police
- Road Haulage Association
- Stagecoach North East
- Sustrans
- Tyne and Wear Fire and Rescue Service

The above consultees were asked to respond by 9 July 2015. Whilst any pertinent comment was invited, they were particularly asked to respond to the following questions:

- Whether they thought it would have a positive or negative impact on the highway network and would improve accessibility
- Whether there are any bus lanes which they considered particularly problematic
- The extent to which bicycles and hackney carriages should be allowed to use bus lanes
- What impacts they thought there might be on their own organisation



Code of Practice

relating to the use of

**Closed Circuit Television (CCTV) Cameras
for Civil Parking and Bus Lane Enforcement
and connected purposes**

June 2016

Document Control

Date	Details	Author
April 2016	Version 1 created	A Waters

Contents

1. Definitions used in this Code of Practice	page 1
2. Purpose and Scope of this Code of Practice	page 1
3. Commitment and Responsibility	page 2
4. Statutory and Policy Background	page 2
5. Use of CCTV Cameras for Enforcement	page 3
6. Ownership, Control and Release of Images	page 4
7. Data Protection Requirements	page 6
8. Information Requests	page 6
9. Disposal of Images and Associated Records	page 7
10. Scheme Control and Delegation	page 7
11. Amendment of this Code of Practice	page 7

1. Definitions used in this Code of Practice

In this Code:

- “1998 Act” means the Data Protection Act 1998
- “2000 Act” means the Regulation of Investigatory powers Act 2000
- “2012 Act” means the Protection of Freedoms Act 2012
- “Overt surveillance” means any use of surveillance for which the authority does not fall under the 2000 Act
- “public place” has the meaning given by Section 16(b) of the Public Order Act 1986 and is taken to include any highway and any place to which at the material time the public or a section of the public has access, on payment or otherwise, as of right by virtue of express or implied permission.
- “Relevant Authority” has the meaning given by Section 29(6) of the 2012 Act and is taken to include (a) CCTV or automatic number plate recognition systems; (b) any other systems for recording or viewing visual images for surveillance purposes; (c) any systems for storing, receiving, transmitting, processing or checking images or information obtained by (a) or (b); (d) any other systems associated with or otherwise connected with (a), (b) or (c).
- “System operator” means person or persons that take a decision to deploy a CCTV system and/or are responsible for defining its purpose, and/or are responsible for the control of the use or processing of images or other information obtained by virtue of such a system.
- “System User” means person or persons who may be employed or contracted by the system operator who have access to live or recorded images or other information obtained by virtue of such a system.
- “System owner” means Gateshead Metropolitan Borough Council.

2. Purpose and Scope of this Code of Practice

This Code of Practice is intended to set out the reasons for the use of Closed Circuit Television (“CCTV”) for the civil enforcement of parking and bus lane contraventions within the Borough of Gateshead. It also sets the framework within which such enforcement will operate.

This document covers the use of CCTV equipment by Gateshead Metropolitan Borough Council (“Gateshead Council”) for the purposes of civil bus lane enforcement and civil parking enforcement. It also covers the use of CCTV equipment within car parks which are under Gateshead Council’s control where that equipment is intended to prevent damage to the Council’s parking infrastructure, or to assist in the detection of offenders who are suspected of having an involvement in any such damage.

In the context of this document, CCTV equipment may either be mobile (vehicle mounted, whether the vehicle is moving or stationary) or static (mounted on fixed posts).

The CCTV equipment will only be used in accordance with this Code of Practice and any management protocols issued pursuant to it. The processes adopted in relation to the issuing of Penalty Charge Notices and the handling of appeals must be similarly compliant.

The equipment is intended to be used to view activity on the highway or in public car parks under the control of Gateshead Council. It will not be used to invade the privacy of any person in domestic, business or other premises, buildings or land.

For the purposes of the 1998 Act, the “data controller” is Gateshead Council.

In the event of any discrepancy between the requirements of this Code of Practice or any primary or secondary legislation, the legislation will have primacy over anything contained herein.

3. Commitment and Responsibility

This Code has been developed on the basis of the statutory and policy framework in place at the time it was written and is intended to complement that legislation and national guidance.

Gateshead Council is committed to ensuring that all data captured by the CCTV cameras referred to in this Code is processed fairly and in accordance with the law. Appropriate security measures will be taken to prevent unauthorised access to, or the alteration, loss, disclosure or destruction of, personal data.

4. Statutory and Policy Background

Civil *parking* enforcement in England (outside London) is governed by Part VI of the Traffic Management Act 2004 and Regulations issued pursuant to it. Gateshead Council is authorised to undertake such enforcement by Regulations issued pursuant to that Act.

Civil *bus lane* enforcement in England is governed by section 144 of the Transport Act 2000 and Regulations issued pursuant to it. Gateshead Council is authorised to undertake such enforcement by The Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005, as subsequently amended to include Gateshead.

The primary purpose of any surveillance system used as part of civil enforcement arrangements is the safe and efficient operation of the road network by deterring motorists from contravening parking or road traffic restrictions. Use of the surveillance system must always be for a specified purpose, which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

Where there is any conflict between this code and the secondary legislation made under the Traffic Management Act 2004 or the Transport Act 2000 relevant to those functions or statutory guidance issued under Section 87 of the Traffic Management Act 2004, the provisions made in or under the Traffic Management Act 2004 and the Transport Act 2000 shall apply.

Both parking and bus lane enforcement will be undertaken in such a way as to support the transport policy objectives of both Gateshead Council and the North East Combined Authority, as expressed within the Local Transport Plan.

5. Use of CCTV Cameras for Enforcement

As indicated above, Gateshead Council is authorised to enforce a number of parking restrictions, as well as bus lane contraventions, throughout the Borough of Gateshead. Parking contraventions are usually dealt with by Civil Enforcement Officers (CEOs) affixing Penalty Charge Notices (PCNs) to vehicles, or handing them to drivers.

Additionally, however, the legislation does allow such PCNs to be issued by means of an “approved device” (CCTV) when it is difficult, sensitive or impractical for PCNs to be served in the usual way.

Gateshead Council routinely uses a vehicle-mounted CCTV system to undertake enforcement on “school keep clear” zig zags and on bus stop clearways. For a range of reasons, it is not considered practical for officers to serve such PCNs on foot. Bus lane contraventions, on the other hand, will always be dealt with by an approved CCTV device.

Gateshead Council is in possession of Approved Device Certificates issued on behalf of the Secretary of State for Transport enabling its vehicle-mounted CCTV equipment to undertake both parking and bus lane enforcement. Any fixed CCTV equipment acquired in the future will also necessarily be covered by an appropriate Approved Device Certificate.

Parking restrictions are intended to manage traffic by targeting indiscriminate and dangerous parking, which in turn leads to:

- Road safety improvements for pedestrians, cyclists and motorists
- Less inconvenience to residents
- Reduced traffic congestion
- Clearer roads for emergency and delivery vehicles

Parking contraventions will be detected and evidence gathered using the CCTV equipment mounted on a vehicle liveried to indicate that CCTV enforcement is taking place. The images produced will be used by appropriately trained and experienced staff to identify parking contraventions, after which the details of the vehicle’s registered keeper will

be obtained and a PCN issued. *A PCN will never be issued without such a review having taken place.*

Signs indicating that camera enforcement is in operation will also be visible at or near all restrictions where CCTV enforcement is carried out.

The CCTV enforcement vehicle will be capable of operating in two modes: “Attended” (where a CEO must be present) or “Unattended” (where a CEO need *not* be present). The system is designed so that the enforcement vehicle can be either driven or parked at an appropriate location with the camera surveying and recording data without a CEO being present.

The camera will be positioned to detect and capture evidence of parking contraventions and will not be used to invade the privacy of any persons in domestic, business or other private premises, buildings or land.

Bus lanes are intended to manage traffic in order to:

- Improve journey times, particularly buses
- Improve bus punctuality
- Support national, regional and local policies by encouraging more sustainable travel choices

Bus lane contraventions will be detected and evidence gathered by a static camera located on site or by a camera mounted on the mobile enforcement vehicle. As with parking contraventions, the images produced will be used by appropriately trained and experienced staff to identify bus lane contraventions, after which the details of the vehicle’s registered keeper will be obtained and a PCN issued. *Again, a PCN will never be issued without such a review having taken place.*

In all cases, the regulations governing civil parking and bus lane enforcement via the use of a CCTV camera system require PCNs to be sent by post. By definition, therefore, PCNs for contraventions detected using CCTV equipment will never be placed directly on the vehicle, nor will they be handed to the person in charge of the vehicle.

6. Ownership, Control and Release of Images

All images (both still and moving) made using the CCTV equipment are, and will remain, the property of Gateshead Council. Such images will be held in an appropriately secure, restricted-access location, although this will normally be an electronic rather than physical store.

The recordings of alleged contraventions will be reviewed by appropriately trained staff with the required knowledge and understanding of parking and bus lane contraventions. They will review the recording through password protected desktop computers which cannot be accessed by unauthorised staff.

A determination will then be made as to whether or not a PCN ought to be issued on the basis that a contravention appears to have occurred. Where the image includes personal details of a party other than the recipient of the PCN, these details will be obscured before a copy of the image is released.

Once a decision has been taken **not** to issue a PCN in relation to a particular case, the relevant images will be deleted as soon as reasonably practicable.

Although the Council is under no legal obligation to do so, the Council would normally include a web address on the PCN to enable the recipient to review the still images obtained from the footage. Moving images will also be available for review in person, with sufficient notice and at a mutually convenient time, by appointment at Gateshead Civic Centre (although it should be noted that the progression timescales set out in the legislation are not altered by such requests).

Images will only be copied and/or released with the express agreement of an appropriately designated senior officer. Moving footage will not normally be copied. Where the Council exceptionally agrees to this, a fee will be payable in accordance with prevailing Data Protection Act rules. Any data captured by the CCTV systems will not be released to, or made available for viewing by, any person other than in the specific circumstances described below:

1. **To the recipient of the PCN (or their representative, appropriately appointed in writing).** Where the Council accepts that they are unable to view images online, the Council will comply with a written request to be provided with still images from the data captured by the “approved device” or to view the recordings within a reasonable time via a Subject Access Request. The Council will arrange for the viewing of the recording to take place in an appropriate area within Gateshead Civic Centre at a mutually convenient time during the Council’s normal office hours.
2. **To authorised Council staff in order for parking or bus lane enforcement activity to take place.** This will include all activities associated with the issuing and processing of PCNs, as well as the processing of representations and appeals and the submission of evidence to the Traffic Penalty Tribunal (TPT).
3. **Where the data is required by a law enforcement agency** (such as the Police). Any recording released to such an agency shall only be used for the purposes specified and identified when requested by or released to that agency.
4. **As directed by a Court.**
5. **To allow an audit to take place,** whether (internal or external).
6. **For training purposes,** in relation to officers engaged in parking or bus lane enforcement in any way.

7. Data Protection Requirements

All personal data obtained via the CCTV equipment will be processed fairly and lawfully and it will only be processed and used so as to achieve the stated objectives of the scheme.

In the context of this Code of Practice, Gateshead Council is particularly mindful of *the right to respect for private and family life* set out in Schedule 1 to the Human Rights Act 1998.

All data will be processed, held and disclosed in accordance with the principles of the 1998 Act. To summarise, these principles include (but are not limited to) the following:

- All personal data will be obtained and processed in a fair and lawful manner;
- Personal data will be held only for the purpose specified;
- Personal data will be used only for the purpose, and disclosed only to the people, shown within this Code of Practice;
- Only personal data necessary and relevant for the purpose for which they are required will be held;
- Reasonable steps will be taken to ensure that personal data which is held is accurate and, where necessary, up to date;
- Personal data will be held no longer than necessary;
- Individuals will be allowed to access to information held about them in accordance with the law and this Code of Practice
- Where personal data is wrong or no longer required to be held, individuals will be entitled to request that it be corrected or erased, as appropriate;
- Satisfactory security measures will be implemented to prevent unauthorised or accidental access to, or the alteration, loss, disclosure or destruction of, personal data;

8. Information requests

Any request from an individual for the disclosure of personal data which is reasonably believed to have been recorded by the Council's CCTV equipment should be made by way of a Subject Access Request and directed in the first instance to Parking Services. If it is not possible to comply with the request without identifying another individual, permission from all parties must be considered in accordance with the requirements of the legislation. Anyone submitting such a request will need to prove their identity to the Council's satisfaction (including the provision of supporting documentation) before any data will be released.

Any request made under the Freedom of Information Act 2000 in relation to any material captured, stored or retained as a result of the use of CCTV cameras for civil parking and bus lane enforcement will be considered

having full regard to any relevant personal data or other exemptions that allow the Council to withhold information. Requests of this nature should be made via the Council's standard [Freedom of Information](#) process.

9. Disposal of Images and Associated Records

Images and associated records will be periodically deleted or physically destroyed once they are no longer required. In particular:

- Images that are not reviewed, issued or rejected within 4 weeks of capture will be deleted from the system;
- Images relating to potential offences that have been rejected and a PCN not issued will be deleted after 13 weeks since the date the images were captured;
- Images and records relating to PCNs that have been issued will be deleted after 18 months since the contravention was detected, but they may be held for up to 30 months where the Council reasonably believes there may be a continued need to refer to them;
- Images or records required in connection with the detection or prosecution of criminal offences may be retained for as long as reasonably required, subject to any statutory time limit

10. Scheme control and delegation

The civil enforcement of parking and bus lane contraventions by means of an Approved Device will be carried out from within the Council's Transport Strategy Service, as with other parking enforcement, under the control of the Service Director responsible for that service. The Service Director will delegate day to day operation of the scheme to appropriate officers within the Parking Services Team, and may issue Protocols in compliance with this Code of Practice to regulate the operation of the scheme.

11. Amendment of this Code of Practice

The Strategic Director, Communities & Environment, having consulted the Cabinet Member for Environment & Transport, may make such amendments to this Code of Practice as are necessary to correct any typographical errors or to bring it into line with any changes in primary or secondary legislation.



COUNCIL MEETING

26 May 2016

GATESHEAD COUNCIL

REPORT FROM THE CABINET

1. PURPOSE OF THE REPORT

This is the report from the Cabinet. Its purpose is to report on issues for the period April – May 2016.

PROGRESS ON KEY ISSUES

2. PEOPLE

Children and Young People

Adult Social Care

North East Disabilities Sports Awards

The North East Disability Awards were held in April to recognise and reward the sporting achievements of local participants, clubs, coaches and volunteers in 2015.

‘Team North East’, a disability athletics club developed from the North East Legacy Games event, was highly commended in the Team of the Year category for its success over the last three years in the National Disability Athletics Championships.

The Outstanding Club Award was won by the Gateshead Special Olympics, which has had many successes since it was set up in 2014.

Two Gateshead Athletes were given a special mention in the Young Male (Joseph Grey) and Female (Emily Stewart) achiever award for their accomplishments in athletics.

In addition, one of the Special Olympics athletes, Jemma Robinson, was given the ‘Female Sports Personality’ award for her international powerlifting accomplishments.

Foster Carers Awards Ceremony 2016

The annual Foster Carer Awards were held on 19 April, at the Lancastrian Suite in Gateshead, recognising the dedication and hard work of all of the Council’s foster carers. In Gateshead, there are 297 children placed in short and long term foster placements, including those children placed with relative and friend foster carers. Without our foster carers, the Council would not be able to offer these children safe, nurturing family homes.

The awards enable the opportunity to celebrate some of the fantastic work that goes on behind the scenes every day in the Fostering Service. This year’s event was slightly different as it had a theme running through it: the theme was what Fostering does for the children in Gateshead...“Live in the now and prepare for the future”.

The evening saw the acknowledgement of the following:

- 26 sets of new foster carers welcomed to the service
- 27 sets of foster carers achieving their certificates for Department of Education, Training, Support & Development Standards
- 15 foster carers achieving a Level 3 Diploma for the Children and Young People's workforce
- 8 foster carers successfully completing the Bridging Units for the Level 3 Diploma, and
- Long Service awards were presented to 16 sets of foster carers for achieving their 5, 10, 15 and 20 year anniversaries.

In addition to these achievements, there were also the following awards given:

- **Foster Carer Support Award** – Awarded to fellow foster carers for proving peer support and advice.
- **Extra Mile Award** – Awarded to foster carers who regularly go above and beyond what is expected of them in delivering an exceptional standard of care. They provide a unique level of service that enhances the reputation of foster carers and Gateshead Council.
- **Unsung Hero Award** - Awarded to foster carers who have a sense of enthusiasm that drives them to put in extraordinary effort to deliver safe, high quality care and support. They epitomise dedication and drive and always deliver on their promises in an unassuming way. They never seek recognition and work really hard behind the scenes delivering what is needed.
- **Outstanding Newcomer of the Year Award** – Awarded to foster carers who have joined the organisation since 1 April 2015 and have brought a fresh perspective to the service. They show real drive, exceptional performance, enthusiasm, motivation and inspire those around them.
- **Most Amazing Carer Award** - We asked our looked after children to nominate their foster carer(s) for an award if they believe them to be amazing.

The evening saw two fantastic performances by looked after children and birth children of foster carers. The first performance being a contemporary dance, which was choreographed by Megan (aged 16) who is also one of the Council's Looked After Children. Megan has worked really hard not only choreographing this performance but leading all of the rehearsals. The event ended on a high with a breath-taking singing performance by Courtney, also a looked after child.

The event was inspiring for all who attended and the following quotes from children in foster care demonstrate the real difference foster carers in Gateshead make to the children in our care.

- *"My foster family is one of the best things that have happened to me. They care for me, they support me and they help me. They also take you to school no matter what the weather is!"*
- *"Being with my foster family makes me feel warm, loved, protected and safe. I love them because they are kind helpful and joyful!"*
- *"My carers are amazing and make everyone smile. They never give up on me and I feel like I am part of the family."*

3. PLACE AND ECONOMY

Environment and Transport

Pothole Action Fund

The Government has confirmed Gateshead's allocation from its 'Pothole Action Fund' of £143,000. This is a national fund to help support efforts to fix potholes permanently, or to stop them forming in the first place. It has also confirmed an additional £153,000 for 2016/17 as part of its incentive based approach towards highways maintenance funding.

Changes to Local Air Quality Management Report

The Government are greatly simplifying the process for councils to report progress against improving air quality in their areas. Within Gateshead, there is one Air Quality Management Area covering the Town Centre and a part of Durham Road. The area is in place because the levels of Nitrogen Oxide from traffic pollution slightly exceeds the European standard, and transport management solutions are being applied in an attempt to reduce this, including the fitting of exhaust cleaning systems to a number of older buses travelling on routes through the area.

Warm Up North Update

Warm Up North is a partnership of nine North East councils delivering energy efficiency to homes and public buildings, in partnership with British Gas. Since it started in July 2013 across the region, Warm Up North has delivered 5,000 measures, to over 4,000 homes, and improvements to public building, amounting to £12m of investment to date, with a further £15m in the pipeline for delivery over the next 12 months. Gateshead has received the most investment of any partner to date, with 54% of all investment being delivered in Gateshead. Highlights include:

- £4m invested in home energy efficiency to 680 private and council homes, of which £1m was funded from energy company grants;
- Works included 322 improvements to private, vulnerable households, external wall insulation to 210 Council homes in Leam Lane, and a full insulation scheme – walls, windows and roofs - for Fell, Lough and Beacon Courts in Wrekenton;
- £2.8m invested in solar PV systems on Gateshead Council buildings, schools and academies.

The project is led by Newcastle City Council, and received development funding from the EU-Elena programme. During its three-year assessment of Warm Up North, Gateshead was chosen by partners to host the European Committee representative, who commended Gateshead on its approach and achievements to energy efficiency and generation, which have been particularly challenging given the significant changes in national policy and funding around energy efficiency over the past three years.

4. COMMUNITIES

Communities and Volunteering

Crime Related Performance

The number of recorded crimes in Gateshead increased by 37% in 2015/16 compared to the same period last year – equating to an additional 3,431 offences. Although crime

increased, Gateshead continues to be one of the best performing Community Safety Partnerships within its Most Similar Family Group and across Northumbria. Increases were reported in most crime categories with violence increasing by 67% (+1,381), burglary dwelling rising by almost a fifth (+86) and criminal damage offences increasing by 46% (+856) in the last 12 months. Reports of anti-social behaviour to Northumbria Police have continued to fall year-on-year, with a total of 8,077 incidents reported in Gateshead, a reduction of 8%.

Culture, Sport and Leisure

Inclusive Futures National Camp

'Lead your generation: An inclusive future' programme is a leadership and volunteering initiative for young people, with special emphasis on inclusion. The project delivers regular regional training camps along with other events/activities throughout the year. Volunteers also have the opportunity to attend large scale sporting events. In September 2015, the charity *Spirit of 2012* confirmed funding for the programme up until September 2016.

Gateshead Leisure Centre – Boxing Event

On 26 March, Fighting Chance promotions made their promoting debut at Gateshead Leisure Centre with their "Genesis" fight night. Fighting Chance is based in Felling, at the former Branding Community Centre.

The event was televised on Made in Tyne & Wear and is the first of 4 to be staged at the venue during 2016.

Arts Council England - Digital Arts Funding Award

A successful application has been made to Arts Council England (ACE) for funding to support the implementation of a library service based digital arts project. The application for £40,000 external funding has been confirmed by ACE. Digital Makings will be a year-long programme of participatory Digital Arts activities encompassing a broad range of specialisms for people to discover and explore.

At the centre of the project there will be two Artists in Residence working in Gateshead's Libraries, building on the experience gained from last year's Creative Makings project. Each artist will have expertise in a different digital process and approach the project by highlighting different techniques, skills and applications.

Local History Month

Local History Month is being held this month. It offers a wide range of walks, talks, events and exhibitions at St Mary's Heritage Centre and in Libraries throughout Gateshead and is well supported by both Gateshead's Local History groups and library employees. Our local history walks enable residents to discover hidden buildings, landscapes and stories of Gateshead. This year's walks include tours of the Elisabethville boundaries (Birtley's First World War Belgian refugee colony) by Birtley Heritage Group and a gentle stroll along Front Street with Whickham Local History Society. Gateshead Local History Society will again celebrate the ancient practice of walking Gateshead's boundaries and will also lead a walk around Shipcote.

5. CONCLUSION

The Council is asked to note this report.



COUNCIL MEETING

26 May 2016

GATESHEAD METROPOLITAN BOROUGH COUNCIL

NOTICE OF MOTION

Councillor J Wallace will move the following motion:

“This Council calls on the Chief Executive to produce and bring forward, at the earliest opportunity, a briefing for members on the financial implications to Gateshead Council of the decision to be a Non-Consenting Authority and to withdraw from the North East devolution settlement. This Council also calls on the Chief Executive to arrange a meeting of the Corporate Resources Advisory Group so that all members can discuss the contents of the briefing.”

Proposed:	Councillor J Wallace
Seconded by:	Councillor J McClurey
Supported by:	Councillor D Duggan
	Councillor M Ord
	Councillor I Patterson
	Councillor C McHatton

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AMENDMENT TO NOTICE OF MOTION

Councillor M Gannon will move the following amendment to the Notice of Motion:

Delete all after “This council” to “North East devolution settlement” and insert...

“notes that it agreed to the October 2015 “Devolution Agreement” on the understanding that government would provide a fair funding settlement to north east councils. The council therefore calls on the Chief Executive to produce and bring forward, at the earliest opportunity, a briefing for members on the fairness or otherwise of the 2016/17 settlement both for Gateshead and the 7 NECA authorities. The report should include analysis for the cumulative impact of any unfairness across the period 2010 to 2017”

Proposed: Councillor M Gannon

Seconded by: Councillor G Haley

Supported by: Councillor M Foy
Councillor A Douglas

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