

# **Cabinet**

**12 December 2016**

**Present:** Councillor CB Pickard (Deputy Mayor) (in the Chair)  
Councillors CA Burdis, EN Darke, R Glendon, IR Grayson,  
M Hall, JLL Harrison, JJ Stirling and A Waggott-Fairley

**In Attendance:** K Archer (Young Mayor)  
R Layton (North Tyneside JTUC)  
D Hodgson (Business Sector)

## **CAB98/12/16 Apologies**

Apologies were received from N Redfearn (Elected Mayor), A Caldwell (Age UK) and S Stavers (Northumbria Police).

## **CAB99/12/16 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

## **CAB100/12/16 Minutes**

**Resolved** that the Minutes of the meetings held on 14 November and 28 November 2016 be confirmed and signed by the Chair.

## **CAB101/12/16 Report of the Young Mayor**

The Young Mayor reported on the following activities in which he, Young Cabinet Members and/or Youth Councillors had been involved:

- Youth Councillors had attended a new Music Hub meeting with the schools improvement officer, to set up a young people's steering group. The steering group would be reviewing the Young Mayor's Music Festival.
- Youth Councillors, Children in Care Councillors and Young Care Leavers had been involved in an engagement consultation at the North Shields Customer First Centre. The consultation had gathered information needed to apply for a Heritage Lottery grant.
- The Digital Civics group had made a site visit to Murton, along with Newcastle University students and North Tyneside Council's planning team. The visit was part of the research into how to consult effectively with young people, especially in relation to town planning. Youth Councillors were trialling the tools created by the Digital Civics project, and would feedback their views in the New Year.
- The Young Cabinet Member for Ready for Work and Life had attended the North Tyneside Strategic Partnership Greener North Tyneside Board meeting.
- Youth Councillors from the Health and Wellbeing Board had been busy with the Burdett project. Working closely with staff from Northumbria University, they were helping to create a training pack around Healthy Lifestyles.
- Youth Councillors and the Children in Care Council had attended the British Youth Council Convention at Tyne Met College.

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- The Young Mayor had attended the North Tyneside Disability Forum Christmas party.
- The Children's Council would be having a party to celebrate their achievements.
- The Young Mayor had sent out new posters to schools to raise awareness of the North Tyneside Anti Bullying Standards. There had already been interest from several primary schools wanting to apply for the standards. It was hoped that secondary schools and colleges would be as enthusiastic in implementing the standards. He had also been working with the Anti Bullying group to look at ways of updating the 'Your Present Your Future' website.

The Young Mayor reported that nominations had opened for the next Young Mayor and Member of UK Youth Parliament. The preliminary online voting would take place mid January with the final votes in February 2017.

The Deputy Mayor thanked the Young Mayor for the report and he looked forward to receiving feedback on the Digital Civics project in the New Year.

### **CAB102/12/16 Council Tax Discounts 2017/2018 (Previous Minute CAB48/09/16) (All Wards)**

Cabinet considered a report which detailed the consultation outcomes and recommendations in relation to proposals to change the level of Council Tax discount awarded to two classes of empty properties, and requested that a proposal in relation to the Council Tax discount for 2017/18 be submitted to Council for consideration at its meeting on 19 January 2017.

The current Council Tax discount levels for empty properties were as agreed at the Council meeting on 22 January 2015, and were set out in the report.

Council Tax collection levels, both in year and long term had held up despite reductions in discounts for empty homes and reductions in support through the Local Council Tax Support Scheme.

Seven of the twelve north east authorities (Northumberland, Durham, Redcar and Cleveland, South Tyneside, Darlington, Middlesbrough and Stockton) no longer offered any Council Tax discount to these classes of empty properties. The remaining authorities, Newcastle, Gateshead, Sunderland and Hartlepool, like North Tyneside currently offered a limited amount of discount and all were considering changes from 1 April 2017.

At its meeting on 12 September 2016, in acknowledgement of significant budgetary pressures, Cabinet had been presented with a report that provided options for Council Tax empty property discounts from 1 April 2017 (Minute CAB48/09/16 refers).

Consideration had been given to three options outlined in the report which had included two options to reduce the level of discount available, the other was to maintain the discounts at their current level. It was agreed that all three options should be consulted on, as follows:

Option 1 - Reduce the level of discount available for both classes of empty properties from 50% to 25%;

Option 2 - Remove altogether the discount available for both classes of empty properties; and

Option 3 - Maintain the current level of discount available at 50%.

The Consultation exercise had started on 13 September 2016 and ended on 31 October 2016. A significant number of people had submitted a consultation response to the three options:

Option 1 – Reduce the level of discount offered from 50% to 25%

- a) 37% of responses (344 people) strongly agreed or agreed.
- b) 20% of responses (191 people) neither agreed nor disagreed.
- c) 43% of responses (406 people) strongly disagreed or disagreed.

Option 2 – Remove the discount entirely

- a) 28% of responses (259 people) strongly agreed or agreed.
- b) 22% of responses (211 people) neither agreed or disagreed.
- c) 50% of responses (466 people) strongly disagreed or disagreed.

Option 3 – Make no change to level of discount offered.

- a) 45% of responses (417 people) strongly agreed or agreed.
- b) 26% of responses (245 people) neither agreed or disagreed.
- c) 29% of responses (273 people) strongly disagreed or disagreed.

Additional Council Tax debit would be generated to the Authority if Option 1 or 2 were implemented, which the Authority could use to help manage its financial pressures. Table 2 in the report detailed the additional Council Tax generated with each Option.

Cabinet considered the following decision options:

Option 1 – To make a recommendation to Council to reduce the level of discount available for both classes of empty properties from 50% to 25%.

Option 2 – To make a recommendation to Council to remove altogether the discount available for both classes of empty properties.

Option 3 – To make a recommendation to Council to maintain the current level of discount available at 50%.

Option 4 - Refer matters back to officers for consideration of alternative proposals.

**Resolved** that (1) the responses to the consultation exercise undertaken be noted; and (2) Council be invited to determine that Option 2 (remove altogether the discount available for both classes of empty properties) be the Authority's Council Tax discount for empty homes, to take effect from 1 April 2017.

(Reason for decision - Whilst it is recognised that the results of the consultation for Option 2 show 466 respondents (50%) did not agree that the discount should be removed entirely, the financial pressures placed on the Authority and budgetary position of the Authority are such that the recommendation remains to remove the discounts. This option provides savings to the Authority to help manage budgetary pressures. Removing the discounts entirely brings the Authority into line with the majority of local authorities both locally and nationally.)

### **CAB103/12/16 Council Tax Support Scheme 2017/18 (Previous Minute CAB/49/09/16) (All Wards)**

Cabinet considered a report which detailed the outcome of a consultation exercise and recommendations in relation to the Council Tax Support (CTS) Scheme for 2017/18, and requested that a proposal in relation to the CTS Scheme for 2017/18 be submitted to Council for consideration at its meeting on 19 January 2017.

The current CTS Scheme was a means tested support which limited the CTS payable to the equivalent of 90% of the claimant's Council Tax liability in the case of working age claimants. Pensionable age claimants received support based on 100% of their Council Tax liability as prescribed under national rules.

The national picture of CTS Schemes showed that currently out of 326 schemes there were 15 that offered the same level of support as North Tyneside Council, 117 provided more and 193 provided less with some support as low as 55%. The largest number of Authorities offered 80% support. Many were currently consulting on reducing the level of their support for 2017/18. Only 4 of the 11 other Authorities in the region currently offered a greater level of support than North Tyneside Council.

As at 30 September 2016 there were 19,773 claimants receiving CTS, this figure was split between pensioner claims 9,149 (46%) and working age claims 10,624 (54%). The caseload continued to reduce as more people moved into employment or claimants' incomes increased and they no longer qualified for support. Due to the reduction in the number of claimants the forecast scheme cost for 2016/17 was currently just over £14,750,000.

The majority of CTS claimants lived in a Council Tax Band A property and, based on the maximum support of 90% available to working age claimants, couples currently paid around £1.98 per week and single people £1.49 per week.

Collection rates of those in receipt of CTS were still favourable with around 85% being recovered in year.

At its meeting on 12 September 2016, in acknowledgement of significant budgetary pressures, Cabinet had been presented with a report that provided options for them to consider for 2017/18 that would reduce the cost of the CTS Scheme by reducing the maximum level of support available for working age claimants (Minute CAB49/09/16 refers).

Consideration had been given to three options which included two options to reduce the maximum level of support available for working age claimants. It had been agreed that all three options should be consulted on, as follows.

Scheme 1 - Continue to provide the current maximum level of Council Tax Support for working age claimants at 90% for working age claimants.

Scheme 2 - Reduce the maximum level of Council Tax Support available for working age claimants from 90% to 87.5%.

Scheme 3 - Reduce the maximum level of Council Tax Support available for working age claimants from 90% to 85%.

The Consultation exercise had started on 13 September 2016 and ended on 31 October 2016. A significant number of people had submitted a consultation response to the three different Schemes that were being considered, including feedback from both those in receipt of CTS and those not in receipt of CTS.

Scheme 1 – Leave the current level of support as 90% for working age claimants

- a) 579 strongly agreed or agreed that the maximum support available for working age claimants should remain unchanged.
- b) 247 neither agreed or disagreed.

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- c) 253 strongly disagreed or disagreed that the maximum support available for working age claimants should remain unchanged.

Scheme 2 – Reduce the level of support for working age claimants from 90% to 87.5%

- a) 345 strongly agreed or agreed.
- b) 203 neither agreed or disagreed.
- c) 532 strongly disagreed or disagreed.

Scheme 3 – Reduce the level of support for working age claimants from 90% to 85%

- a) 320 strongly agreed or agreed.
- b) 202 neither agreed or disagreed.
- c) 555 strongly disagreed or disagreed.

The financial impact on working age claimants of the current 90% Scheme and the Schemes offering 87.5% and 85% maximum support, for a Band A property; and examples of how the different Schemes would impact on single claimants aged 25 or over and couples in receipt of Job Seekers Allowance, were detailed in the report.

There were savings to the Authority if either Scheme 2 or 3 were implemented which the Authority could use to help manage its budgetary pressures. The costs associated with each Scheme and the potential savings to the Authority were detailed in Table 2 in the report.

Cabinet considered the following decision options:

Option 1 - Scheme 1 – To make a recommendation to Council to continue to provide the current maximum Council Tax Support of 90% for working age claimants.

Option 2 - Scheme 2 – To make a recommendation to Council to reduce the Maximum level of Council Tax Support for working age claimants from 90% to 87.5%.

Option 3 - Scheme 3 – To make a recommendation to Council to reduce the Maximum level of Council Tax Support for working age claimants from 90% to 85%.

Option 4 - Refer matters back to officers for the consideration of an alternative CTS Scheme.

**Resolved** that (1) the responses to the consultation exercise undertaken be noted; and (2) Council be invited to adopt Option 2 (reduce the Maximum level of Council Tax Support for working age claimants from 90% to 87.5%.) as the Authority's Council Tax Support Scheme for the financial year 2017/18, to take effect from 1 April 2017.

(Reason for decision: Whilst it is recognised that the results of the consultation for Option 2 show 532 respondents (49%) did not agree that the Council Tax Support for working age claimants should be reduced from 90% to 87.5%, the financial pressures placed upon the Authority and budgetary position of the Authority are such that the recommendation remains to marginally reduce the discount level. As the majority of claimants live in a Band A property the reduction by 2.5% of liability available for support represents a small reduction. Single working age claimants in receipt of CTS will see a reduction in their CTS entitlement of around 37p per week, and couples will see a reduction of around 49p per week. The option provides savings to the Authority to help manage budgetary pressures whilst still providing a high level of support. Compared to the national picture, Scheme 2 still provides more support than is offered by the majority (186) of the 326 Authorities.)

## **CAB104/12/16 2016/17 Business Rate Write Offs (All Wards)**

Cabinet received a report seeking approval to write off Business Rate debts in excess of £50,000 where companies had ceased trading and had been subject to insolvency proceedings, where no dividend had been available to the Authority and there were no other avenues available to recover the debt.

The Authority had 5,563 commercial assessments in North Tyneside and each assessment was issued with a Business Rates demand on an annual basis. Some of these businesses would qualify for reductions in their Business Rate liability through Small Business Rate Relief, Empty Rate Relief, Mandatory or Discretionary Charitable Rate Relief.

The current net debit of Business Rates for the financial year 2016/2017 was £61.95 million. Collection performance was strong in North Tyneside with last year's in year collection rate achieving 98.5% and longer term collection rates in excess of 99% each year. North Tyneside's collection performance was in the top quartile of metropolitan authorities.

The total outstanding arrears for all years up to 31 March 2016 currently stood at £4.84 million. The Authority had set aside a bad debt provision for Business Rates within its accounts to cover up to £3.32 million of these arrears. The total amount being requested for write off as outlined in Appendix 1 to the report was £1.275 million which was within the bad debt provision available. It was noted that within the period the proposed write offs had occurred over £300 million business rates debit had been collected.

Businesses were offered support and advice if they were struggling to pay by the Business Rate Team working with colleagues in the Business and Economic Development Team. Flexible payment arrangements were offered where appropriate to support businesses through short term financial issues.

The full recovery process was used to ensure payment was made in accordance with the legislation. However, on occasion some businesses inevitably ceased trading, whether on a voluntary basis or by way of insolvency proceedings being instigated by one of its creditors.

Cabinet considered the following decision options:

Option 1 – Approve the Business Rate write offs set out in Appendix 1 to the report and instruct the Head of Finance to carry out this action.

Option 2 – Reject the request for approval of the write offs and refer back to officers for provision of additional information.

**Resolved** that (1) the writing off of the debts, set out in Appendix 1 to the report, be approved; and

(2) the Head of Finance be instructed to carry out this action.

(Reason for decision: The businesses have ceased trading and there are no other options available to the Authority to recover the outstanding amounts. The Authority's accounts contain a bad debt provision for the occasions when no recovery options are available to them to collect the debt. The amounts being requested to be written off are well within the bad debt provision available.)

## **CAB105/12/16 North Tyneside Surface Water and Drainage Partnership Annual Update (All Wards)**

Cabinet considered a report which gave an annual update on the ongoing progress of the North Tyneside Surface Water and Drainage Partnership following its latest quarterly meetings in 2016.

The Partnership had met on 13 January, 20 April, 20 July and 19 October 2016 and during the course of those meetings it had overseen the following progress:

- Updates on the Killingworth and Longbenton Sustainable Surface Water Management Project, for which works were progressing well on the partnership project between North Tyneside Council, Northumbrian Water and The Environment Agency;
- Progress of the Flood Risk Implementation Plan which provided information on the planned improvements, the progress of schemes and the works completed over the time;
- The work being carried out around community preparedness including ongoing communications and regular engagement with the wider community, key stakeholders and community flood wardens; and
- Flood Alleviation spend.

In addition, the following work had been delivered since the last update report to Cabinet:

- Fairfield Green, Monkseaton – Replacement of a culvert beneath the Metro track to improve drainage capacity.
- Etal Close, Shiremoor – Replacement of culvert beneath the Metro track to improve drainage capacity.
- Nelson Road/Hesleyside Road, Wellfield – New culvert section installed to improve drainage capacity and maintenance access.
- Shiremoor Health Centre, Shiremoor – Repairs to and lining of existing culvert to increase its lifespan.
- Wallsend/Rising Park Study – Detailed study into the drainage network within Wallsend to identify future schemes.

Copies of the draft minutes from each of the quarterly meetings were attached at Appendix 1 to the report.

The Cabinet Member for Children, Young People and Learning welcomed the report and complimented the Partnership for the work which was being delivered.

The Cabinet Member for Adult Social Care also thanked everyone involved with the Partnership for their hard work.

Cabinet considered the following decision option: to receive the report and note the progress made.

**Resolved** that the North Tyneside Surface Water and Drainage Partnership annual update report and the progress made be noted.

(Reason for decision: the report is intended to provide an update on the progress made by the Partnership.)

## **CAB106/12/16 North Tyneside Highway Asset Management Plan Annual Information Report 2016 (All Wards)**

Cabinet considered the Authority's Highway Asset Management Plan (HAMP) Annual Information Report 2016. The Report would be used as the basis for a new Asset Management Plan, which would be considered by Cabinet next year.

Key highlights of the HAMP Annual Information Report 2016 were outlined in the report:

- The highway network was the most valuable asset in the Authority's ownership. The current total value of highway assets was £1,314,000,000.
- The investment in highway maintenance had improved the overall condition of the network.
- The Authority was performing well in relation to the maintenance of classified main roads. This indicated that the increased use of preventative maintenance treatments and additional investment in main roads was producing the expected benefits.
- The Highways function continued to achieve its Key Performance Indicator targets and through its Annual Service Plan was identifying service improvements and innovative ways of working.
- Continued customer engagement was providing better intelligence on what the public want the Authority to focus on. This included continuing improvements of residential and strategic roads and footways, improving the gully cleansing service and addressing issues of parking on footpaths.
- Effective bridge maintenance was taking place and was being managed within existing budgets.
- The Department for Transport had introduced a new incentive fund which involved self-assessment and was an important issue given the relationship to future funding.
- There were newly published revised national codes of practice which would result in changes to the Authority's highway inspection regime.

The HAMP was due to be reviewed in 2017 and work had started. The process would involve consultation with all stakeholders.

The Deputy Mayor was pleased that progress was being made with the new Asset Management Plan and with the emphasis placed on improving pavements.

The Cabinet Member for Housing and Transport made reference to the new multi-purpose gully machines which had become operational and how they had improved the gully cleansing service across the Borough.

Cabinet considered the following decision option: to note the content of the HAMP Annual Information Report 2016.

**Resolved** that the content of the Highway Asset Management Plan Annual Information Report 2016 be noted.

(Reason for decision: no alternative options have been outlined as no further decisions by Cabinet are sought in relation to the HAMP Annual Information Report 2016.)

## **CAB107/12/16 Annual Review of Council Policy on Covert Surveillance (All Wards)**

Cabinet received a report seeking approval of an updated Covert Surveillance Policy. In accordance with the Codes of Practice applying to the Regulation of Investigatory Powers Act 2000 (RIPA) the Authority had to review its use of RIPA and set the general



surveillance policy at least annually. The report also explained that there had been no RIPA authorisations granted in the last year.

The Policy had been subject to a review and the revised draft Policy was attached at Appendix 1 to the report. The draft Policy had been considered by the Regulation and Review Committee and had been referred to Cabinet for further consideration and approval. The aims of the Authority's Policy were to:

- Set out the Authority's arrangements for complying with RIPA; the relevant Codes of Practice and guidance issued by the Home Office; and guidance from the Office of the Surveillance Commissioner (OSC) and the Interception of Communications Commissioner's Office (IOCCO);
- Give effect to the rights of citizens to respect for their private and family lives (pursuant to the Human Rights Act 1998); and
- Protect the Authority from legal challenge when undertaking surveillance.

The Regulation of Investigatory Powers Act 2000 (RIPA) put covert surveillance on a statutory basis. RIPA enabled certain public authorities, including this Authority, to carry out surveillance operations with statutory protection from legal challenge. This was often referred to as the 'RIPA shield'.

Three covert investigatory techniques were available to local authorities under RIPA, these were outlined in detail in the report. RIPA provisions may only be used to authorise surveillance activities in order to detect and prevent serious crime and any authorisation was subject to a requirement to seek authorisation from an 'Authorising Officer' and to obtaining judicial approval from a Justice of the Peace before any surveillance was undertaken.

The application of the requirements of RIPA to the use of informants via, in particular, social media was a developing area of surveillance law. This was an area which would continue to be monitored as it developed and Officers from Law and Governance and Trading Standards were considering how such activities should actually be undertaken and whether those activities required a RIPA authorisation.

The most recent Office of Surveillance Commissioner's Guidance provided some limited guidance on this matter and referred to the implications of interference through such activities with an individual's rights to a private and family life under Article 8 of the Human Rights Act 1998.

The Authority may undertake such surveillance for activities that could not benefit from the protection of the RIPA shield. In these circumstances whilst the surveillance was not unlawful it left a local authority more vulnerable to challenge as it still entailed the collection information about an individual. For this reason the Authority required that all surveillance activity undertaken by the Authority outside of the RIPA regime must be appropriately authorised by one of the designated Authorising Officers and would be subject to central monitoring.

The Authority held a Central Register of all RIPA and non-RIPA surveillance activity. The Central Register was maintained and monitored by the Head of Law and Governance.

Organisations using RIPA were subject to regular inspections by the OSC and the IOCCO. The Authority had last received an inspection visit from the OSC in April 2013. The issues raised in the inspection had been addressed and the actions focussed on raising awareness of the requirements of the RIPA regime amongst Authorising Officers.

Following the changes to the RIPA regime from 1 November 2012 there had been no authorisations granted. The ground most commonly used for authorising covert surveillance addressing anti-social behaviour had been removed on 31 October 2012. Authorisations may now only be sought on the grounds that it related to the prevention and detection of serious crime.

In relation to corporate responsibilities, the Codes of Practice advised that a Senior Responsible Officer should be identified to ensure the Authority had appropriate policies and processes that accorded with RIPA and the related Codes of Practice. The Officer Delegation Scheme placed the Senior Responsible Officer role with the Head of Law and Governance.

Each Head of Service was responsible for ensuring that effective and legally compliant systems and procedures were in place for surveillance work within their Service Areas.

Employees connected with surveillance and handling of evidence were responsible for ensuring that they acted only in accordance with their level of responsibility and training and in accordance with this Policy and associated documents. To assist in this an Employee Handbook had been prepared.

The Codes of Practice indicated that elected members of a local authority should review its use of RIPA and set the general surveillance policy at least annually. A local authority should also consider internal reports on the use of RIPA to ensure that it was being used consistently in compliance with the Authority's Policy and that the Policy remained fit for purpose.

To meet these requirements the Policy Statement provided that:

- Cabinet receive an annual report covering the Authority's use of RIPA powers, and review of the Policy for the following year.
- Reports would be presented to the Regulation and Review Committee on the Authority's use of RIPA powers. The Committee's role would be to look at compliance, oversight and use of RIPA. The Committee would also consider whether the Policy remained fit for purpose and recommend changes to the Policy as appropriate for Cabinet's consideration.
- The Elected Mayor would receive regular updates from the Senior Responsible Officer regarding the use of the Authority's powers.

Cabinet considered the following decision options:

Option 1 - Approve the Authority's Policy on Covert Surveillance (attached as Appendix 1 to the report) and review and note the use of surveillance by the Authority in the preceding year.

Option 2 - To ask Officers to revise the draft Policy and/or provide additional information regarding any matters contained in the report.

**Resolved** that (1) the Authority's draft Policy on Covert Surveillance (attached at Appendix 1 to the report) be approved; and  
(2) the use of surveillance by the Authority in the preceding year be noted.

(Reason for decision: Approving the Authority's Policy on Covert Surveillance will secure adherence to the recommended best practice contained within the Codes of Practice. In

particular, the Code of Practice – Covert Surveillance and Property Interference indicates that elected members should review the Authority’s use of Part II of the Regulation of Investigatory Powers Act 2000 and set the policy at least once a year.)

On behalf of the Elected Mayor, the Deputy Mayor took the opportunity to wish Officers, Partners, Members and the Young Mayor a happy Christmas and a prosperous New Year.

**CAB108/12/16 Date and Time of Next Meetings**

6.00pm on Monday 16 January 2017 (Ordinary Meeting)

**Minutes published on 15 December 2016.**

**The decisions contained within these Minutes may be implemented (unless called in by 3 Non-Executive Members for consideration by the Overview, Scrutiny and Policy Development Committee) immediately following the expiry of the call-in period; i.e. 5.00pm on 22 December 2016.**