

NORTHUMBERLAND COUNTY COUNCIL

CABINET

At a meeting of the **Cabinet** held at County Hall, Morpeth on Tuesday, 11 January 2022 at 10.00 am.

PRESENT

Councillor G. Sanderson
(Leader of the Council, in the Chair)

CABINET MEMBERS

Pattison, W.	Riddle, J.
Ploszaj, W.	Watson, J.G.
Renner Thompson, G.	Wearmouth, R.

OTHER MEMBERS

Seymour, C.	Stewart, G.
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OFFICERS IN ATTENDANCE

Aviston, S.	Head of School Organisation
Binjal, S.	Interim Monitoring Officer
Bradley, N.	Service Director – Adult Care
Hadfield, K.	Democratic and Electoral Services Manager
Hunter, P.	Service Director, Policy
Lally, D.	Chief Executive
McEvoy-Carr, C.	Executive Director of Children's Services and Adult Social Care
Murfin, R.	Interim Executive Director Planning and Local Services
O'Farrell, R.	Interim Executive Director of Local Services
Roll, J.	Head of Democratic and Electoral Services
Taylor, M.	Director of Business Development and Communities
Willis, J.	Interim Executive Director of

Ch.'s Initials.....

72. ANNOUNCEMENT FROM LEADER

The Leader asked members to stand for a minute's silence in memory of Councillor Paul Scott who had died suddenly on Friday 7 January 2022.

73. APOLOGIES

Apologies were received from Councillors Flux and Horncastle.

74. MINUTES

RESOLVED that the minutes of the meeting of Cabinet held on 7 December 2021, as circulated, be confirmed as a true record and signed by the Chair.

75. DISCLOSURE OF MEMBERS' INTERESTS

Councillor Stewart declared an interest in item 4(2) on the agenda (Outcome of Consultation on proposals for Atkinson House) as he had previous connections with the Pele Trust and the reorganisation of the schools.

76. REPORTS OF THE EXECUTIVE DIRECTOR OF CHILDREN'S SERVICES AND ADULT SOCIAL CARE

(1) Outcomes of consultation on proposal to amalgamate Seaton Sluice Middle School and Whytrig Middle School

The report set out the outcomes of informal consultation on a proposal to amalgamate Seaton Sluice Middle School and Whytrig Middle School on the current Whytrig and Astley Community High School site in Seaton Delaval or alternative site.

The consultation had arisen as a result of a request from the Governing Body of the Seaton Valley Federation to the Council following their identification of significant educational and financial benefits for all students within the Seaton Valley Federation that could arise from the two middle schools amalgamating on one site with Astley High School in the planned new buildings already approved for Whytrig and Astley (copy attached to the signed minutes as Appendix A, along with the report of the FACS OSC circulated at the meeting).

Mrs Aviston detailed the key points of the report. It was noted that FACS OSC had supported the report's recommendations.

RESOLVED that:-

- (a) on the balance of the strength of the rationale for the proposal put forward by the Seaton Valley Federation and the qualitative argument of the feedback received from stakeholders including parents during informal consultation, Cabinet agree not to proceed to the publication of a statutory proposal to amalgamate Seaton Sluice Middle School and Whytrig Middle School;
- (b) Cabinet note that the project to reprovide new buildings for Astley High School and Whytrig Middle School on the current shared site or another site will continue to proceed as originally planned; and
- (c) the report of the FACS OSC be noted.

(2) Outcome of Consultation on proposals for Atkinson House

The report set out the outcomes of informal consultation on a proposal to relocate Atkinson House Special School to a former school site in Ponteland and to change the designation of the school to become co-educational. The consultation had arisen as a result of the need to provide additional places for young people, including girls, in Northumberland with Social, Emotional and Mental Health needs (SEMH) in September 2022 as a result of the steady upward trend in the demand for special school places in the county and nationally over the last ten years. Cabinet was now asked to permit the publication of a statutory proposal in line with the requirements of *The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013* following the outcomes of informal consultation (copy attached to the signed minutes as Appendix B, along with the report of the FACS OSC circulated at the meeting). A letter from the Pele Trust had been circulated to Cabinet members.

Mrs Aviston detailed the key points of the report for members. Councillor Renner Thompson reported that there had been a mixed response from stakeholders in Ponteland. FACS OSC had supported the recommendations, as had the local member, Councillor Dodd.

The Leader commented that he would wish FACS OSC to monitor the position should the proposals be agreed following the statutory consultation process.

RESOLVED that:-

- (a) on the basis of the educational rationale for the proposal, feedback received from consultation and the recommendations received from the Family and Children's Services Overview and Scrutiny Committee,

Cabinet agree the publication of a statutory proposal to setting out the intention of the County Council to implement the following proposals:

- Relocate Atkinson House Special School to the former site of Richard Coates CE Primary School with effect from 1 September 2022;
 - Change the designation of Atkinson House Special School from a single sex provision to a co-educational provision with effect from 1 September 2022;
- (b) Cabinet approve feasibility and design works to be undertaken at risk at an estimated cost of circa £250k;
- (c) Cabinet note that the outcomes of the formal consultation following publication of the Statutory Proposal on 13 January 2022 will be brought back to Cabinet on 8 March 2022 for a final decision to be taken in relation to the proposals set out in recommendation 1;
- (d) Cabinet note the implications for Home to School Transport set out in para. 26 of this report; and
- (e) the report of the FACS OSC be noted.

(3) National Funding Formula and 2022/23 Schools Funding

The report updated Cabinet regarding the National Funding Formula (NFF) and the implications for 2022/23 School Funding in Northumberland (copy attached to the signed minutes as Appendix C, along with the report of the FACS OSC circulated at the meeting).

It was noted that FACS OSC had supported the recommendations.

RESOLVED that:-

- (a) Cabinet approve the continuing adoption of the proposals for the two-step implementation of the National Funding Formula for 2022/23 as agreed previously for 2021/22, in line with the recommendation of the Schools Forum meeting of 17 November 2021 and the results of the subsequent consultation exercise held with schools;
- (b) Cabinet approve the transfer of up to 0.5% funding from the Schools' Block to the High Needs Block, in line with recommendation of the Schools Forum meeting of 17 November 2021 and the results of the subsequent consultation exercise held with schools;
- (c) Cabinet approve the delegation of the approval of the final formula values to the Executive Director of Adult Social Care & Children's Services and the Lead Member for Children's Services and Deputy Leader of the Council in line with the principles agreed at Schools

Forum on 17 November 2021, once the final budget allocations are released by the Department for Education in December 2021; and

- (d) the report of the FACS OSC be noted.

(4) Adult Social Care Ombudsman Report

The report detailed a finding of maladministration by the Local Government and Adult Social Care Ombudsman (LGSCO), and recommended consequent changes to the process for determining appeals against decisions about “disability related expenditure” under the Council’s charging policy for non-residential adult social care services (copy attached to the signed minutes as Appendix D).

Mr Bradley provided some background detail on the report for members’ benefit.

RESOLVED that:-

- (a) Cabinet note the contents of the LGSCO’s report on a complaint about the Council reproduced in Appendix 1;
- (b) Cabinet note that officers have already acted on two of the three recommendations in the report: “Mr X” has been sent a letter of apology, and paid £200 to acknowledge the time and trouble which he had incurred; and
- (c) Cabinet endorse the revised approach to appeals against decisions on “disability related expenditure” set out in section 5 of the report, and note that officers will then follow this process when making a new decision as to whether to accept Mr X’s holiday-related costs as disability related expenditure for charging purposes.

(5) Workforce Issues in Commissioned Care Services

The report informed the Cabinet of current recruitment and retention issues affecting the care providers from which the Council commissioned adult social care services, and set out measures which could be adopted to address this (copy attached to the signed minutes as Appendix E, along with the report of the Health and Wellbeing OSC circulated at the meeting).

Mr Bradley detailed the key points of the report, highlighting that there were currently around 200 people waiting for a package of care at any one time.

Councillor Riddle queried how the Authority would monitor how the contractual obligations were actually implemented in practice. Mr Bradley advised that records from any provider could be accessed and checks were done on a sampling basis.

Members fully supported the proposals and it was noted that Health and Wellbeing OSC was in support.

RESOLVED that:-

- (a) Cabinet agree to adopt the proposal which appears as option C in the report, which would in effect bring forward by two years for most care workers in Northumberland the national target for the National Living Wage of setting it at two thirds of median earnings, by funding care providers to pay the “Real Living Wage”;
- (b) authority be delegated to the Executive Director of Adult Social Care and Children's Services to make detailed decisions about the issues listed in Section 8 of the report, in consultation with the Director of Finance and the Cabinet Member for Adult Wellbeing; and
- (c) the report of the Health and Wellbeing OSC be noted.

77. REPORTS OF THE INTERIM EXECUTIVE DIRECTOR OF FINANCE AND S151 OFFICER

(1) Notification of the Estimated Collection Fund Balances 2021-22 – Council Tax and Business Rates

The report advised members of the estimated year end balances on the Collection Fund in relation to Council Tax and Business Rates for the year ending 31 March 2022 (copy attached to the signed minutes as Appendix F).

RESOLVED that:-

- (a) Cabinet approve the declaration of a surplus on the Collection Fund for the year ending 31 March 2022 in relation to Council Tax of £4.532 million to be distributed to the Council and Northumbria Police and Crime Commissioner in accordance with Council Tax regulations; the Council's share being £4.215 million.
- (b) (i) Cabinet note the overall estimated deficit on the Collection Fund for the year ending 31 March 2022 in relation to Business Rates of £25.094 million; the Council's share being £12.547 million (which largely relates to the extension of rate reliefs announced by the government in response to the Covid-19 pandemic and for which the Council will be reimbursed through S31 grant); and,

(ii) Cabinet note that, after taking account of the extension of rate reliefs funded through S31 grant, the impact on the Council's General Fund will be a £3.314 million deficit in 2022-23;
- (c) Cabinet note the distribution of the estimated Collection Fund surplus for Council Tax to the Northumbria Police and Crime Commissioner of £0.317 million and the distribution of the estimated Collection Fund deficit for Business Rates of £12.547 million to the Secretary of State;
- (d) Cabinet note the inclusion of the Council's share of the estimated

Collection Fund balances distributable in 2022-23 of £4.215 million surplus and £12.547 million deficit, for Council Tax and Business Rates respectively, within the Council's budget 2022-23; and

- (e) Cabinet note the inclusion of the Council's share of the estimated Collection Fund balances distributable 2022-2024 of £3.660 million surplus and £12.889 million deficit, for Council Tax and Business Rates respectively, within the Council's Medium-Term Financial Plan 2022-25.

(2) Summary of New Capital Proposals considered by Officer Capital Strategy Group

The report summarised proposed amendments to the Capital Programme considered by the officer Capital Strategy Group via email on 3 December 2021 (copy attached to the signed minutes as Appendix G).

(i) Desktop Refresh Programme

RESOLVED that Cabinet approve the addition of £804,000 to the capital programme in 2021-22 to fund additional capital expenditure incurred on laptops, peripherals and other mobile devices procured during the Covid Pandemic, to allow staff to work from home. It was proposed that a Revenue Contribution to Capital (RCCO) will be made from the Information Services revenue budget which will be covered by the Covid support grant.

(ii) Ad Gefrin Visitor Centre and Distillery

Councillor Ploszaj spoke in support of this proposal which was an exciting project for Wooler creating a number of jobs and regenerating over 1ha of derelict land through the development of the visitor centre. 50,000 visitors pa were expected.

RESOLVED that:-

- Cabinet approve the application to the Borderlands Inclusive Growth Deal Fund for a further £1million contribution to the Ad Gefrin Visitor Centre and Distillery. This request to be conditional on the additional project costs being subject to a due diligence process and formal confirmation from the project sponsor that the previous subsidy control advice remains valid; and
- Cabinet approve an allocation of £650,000 in 2022/23 from the Strategic Regeneration Reserve within the Council's 2021-24 Medium Term Financial Plan for an initial phase of visitor infrastructure improvements in and around the town of Wooler, in advance of the opening of the Ad Gefrin Visitor Centre. A further report will be brought to Cabinet once feasibility work has been completed and detailed costings obtained.

(iii) Blyth Cycle Improvement Scheme

RESOLVED that:-

- Cabinet accept an external funding contribution of £336,000 for cycling and walking improvements from the Department for Transport (DfT) Emergency Active Travel Fund administered through Transport North East (TNE) and agree that this amount be added to the Council's capital programme; and
- Cabinet approve the expenditure of the above amount, together with £86,000 from the Local Cycling and Walking Infrastructure Budget included in the Council's 2021/22 Medium Term Financial Plan, on cycling and walking improvements and crossing facilities at the Waterloo Road junction with Renwick Road in Blyth, at a total scheme cost of £422,000. Expenditure is expected to be split £200,000 in 21/22 and £222,000 in 22/23.

(iv) Industrial Washing Machine Joint Equipment Loan Warehouse (JELS)

RESOLVED that Cabinet approve capital expenditure of £125,000 funded by the CCG to replace the washing and disinfection industrial machine in the Council's Joint Equipment Loan (JELS) warehouse, which is used to clean and disinfect daily living equipment to support the re-use of these items.

(v) Borderlands Carlisle University

RESOLVED that Cabinet accept a £50,000,000 capital grant award from the Department of Levelling-up, Housing and Communities (DLUHC) for the Carlisle Citadels project in accordance with the Council's role as accountable body for the Borderlands Inclusive Growth Deal Investment awarded by the UK Government in England, and that this amount be added to the Council's Capital Programme.

78. RECORD OF DECISION TAKEN IN CONSULTATION WITH THE LEADER ON GROUNDS OF URGENCY

Use of Government grant to fund a retention bonus for home care workers

Cabinet was asked to note a decision taken by the Chief Executive, in consultation with the Leader of the Council, to offer providers of visit-based home care services commissioned by the Council funding for a bonus payment for care workers who continue working through the coming winter (copy attached to the signed minutes as Appendix H).

RESOLVED that the decision be noted.

79. URGENT BUSINESS

REPORT OF S151 OFFICER/MONITORING OFFICER

North of Tyne Combined Authority Borrowing Powers

The report recommended that the Council consented to the making of regulations by central government to provide the North of Tyne Combined Authority (NTCA) with borrowing powers. The report was urgent because the Government required confirmation of the Council's decision before 20 January 2022. Approval had been granted to taking the item as urgent business under Council Procedure Rules Part 5.4 para 15 and Part 5.5 para 18.

Members sought reassurances regarding the payback arrangements which were provided by the S151 Officer.

RESOLVED that:-

- (a) the Council gives its consent to the making of regulations by central government to provide NTCA with borrowing powers;
- (b) Cabinet confirm the Council's formal consent to the said regulations when requested by central government; and
- (c) the Monitoring Officer be authorised, in consultation with the s151 Officer, to take such steps as are necessary to give effect to the above recommendations.

80. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

- (a) That under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the Agenda as they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the 1972 Act, and
- (b) That the public interest in maintaining the exemption outweighs the public interest in disclosure for the following reasons:-

Agenda Item	Paragraph of Part I of Schedule 12A
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Information relating to the financial or business affairs of any particular person (including the authority holding that

information).

AND The public interest in maintaining this exemption outweighs the public interest in disclosure because the information can be considered to be commercially sensitive

81. REPORT OF THE INTERIM EXECUTIVE DIRECTOR OF FINANCE AND S151 OFFICER

Summary of New Capital Proposals considered by Officer Capital Strategy Group

The report summarised proposed amendments to the Capital Programme considered by the officer Capital Strategy Group via email on 3 December 2021 (copy attached to the signed minutes as Appendix I and coloured pink).

RESOLVED that the recommendation detailed in the report be agreed.

CHAIR.....

DATE.....