



Officer Decision Record

1. Subject and details of the matter
The decision relates to the award of the tender for Demand Responsive Bus Service known as Phone 'n' Ride, following conclusion of the evaluation process in accordance with the Cabinet Minute DN.99, dated 13 February 2019. It is proposed to award the contract to Stagecoach who submitted the Most Economically Advantageous Tender.
2. Is it a Key Decision as defined in the Constitution?
Yes
3. Details of Decision
<p>Pursuant to the Cabinet meeting 13 February 2019 where delegated authority was given to the Director of Economy and Growth in conjunction with the Portfolio Holder Environment, Transport and Energy to commence the related procurement exercise, including appropriate contract award in accordance with the Public Contract Regulations 2015, Regulation 76 and Regulation 86.</p> <p>Five options were required to be priced by all tenderers. The options included a range of scenarios based around different operating hours and varying numbers of operational vehicles in order to provide a range of costs for providing the Service. Option 3 was identified as the preferred option which maintains the current number of vehicles and will result in only a limited reduction in service hours within the available budget.</p>
4. Is it an Urgent Decision? If yes, specify the reasons for urgency
No
5. Anticipated outcome(s)
<p>The anticipated outcome is to proceed with the award of the Demand Responsive Bus Service.</p> <p>To issue pre award letters with accompanying decision notice and post alcatel letters to all successful and unsuccessful tenderers.</p> <p>To issue the framework award notices in accordance to Regulation 50 and Regulation 108.</p>

To successfully mobilise the new provider to ensure a seamless transition and continued service provision for the local service users within the borough.

6. Details of any alternative options considered and rejected by the officer when making the decision

N/A

7. Background documents considered:

Cabinet Report FP 11/18/04
Cabinet Decision Notice on 13 February 2018

**8. Does the taking of the decision include consideration of Exempt information?
If yes, specify the relevant paragraph of Schedule 12A and the reasons**

No.

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

N/A

10. Monitoring Officer Comments
(Strategic Director – Governance & Transformation or nominee)

The above decision flows from a delegation of Cabinet as captured above. The monitoring comments on that report are deemed to be repeated here.
The above decision is consistent with the delegation given and is the anticipated outcome.

11. Section 151 Officer Comments
(Head of Finance & Assets or nominee)

The annual cost of the new contract is £293k per annum, which is an increase on the current contract of £45k per annum. The budget set for 2019/20 for this part of the transport services has been established to meet this additional cost, so will no result in a direct budget pressure.

There is a savings requirement however for transport provision of £73k for 2019/20, rising to £259k per annum thereafter and the setting of this contract will not facilitate any savings towards that requirement.

12. Human Resource Comments
(Head of Governance & Business Support or nominee)

There are no direct HR implications contained within this report

13. Risk Assessment (in accordance with the Report Writing Guide)

14. Decision maker(s)

Name: Clive Tritton

Title: Interim Director of Economy and Growth

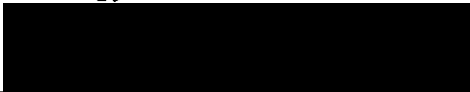
Signed: 

Dated: 22/5/19

15. Consultation carried out with Portfolio Holder(s):

Name: Cllr Stewart Swinburn

Title: Portfolio Holder Environment, Transport and Energy


Signed and Dated

23/05/19

16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor

Name:

Title:

Signed and Dated



Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

To award the tender for the installation of Energy Conservation Measures at the Cleethorpes Leisure Centre (a key project within the Smart Energy Greater Lincolnshire Programme) in accordance with the Cabinet decision dated 20th December 2017.

2. Is it a Key Decision as defined in the Constitution?

Yes, as the spend is above £350k.

3. Details of Decision

Pursuant to the Cabinet meeting on 20th December 2017, where members approved:

(8) That Cabinet authorises the Director of Finance, Resources and Operations in consultation with the Portfolio Holder for Energy and Environment to commence related procurement exercises as set out in the SEBGL approved project.

(9) 'That authority be delegated to the Director of Finance, Resources and Operations in consultation with the Portfolio Holder for Energy and Environment to award such contracts.

(10) That the Monitoring Officer be authorised to execute all documentation in connection with awards.

This includes detailed design and to appoint contractors to undertake the works subject to a competitive process, in accordance with the Council's Corporate Procurement Regulations and ERDF procurement guidance and subject to the tenders offering value for money carbon saving outputs within the Smart Energy programme.


The tender was prepared by ENGIE's Property Technical Services Team through a competitive open tendering process. One tender was received from Lindum Group Ltd.



The Tender was evaluated by ENGIE's Procurement and Civil Engineering Design Teams and the Smart Energy Team for both quality and price, and cost per tonne of carbon dioxide which is the ERDF output required. Certain measures were removed as not offering value for money and a new price was sought from Lindum Group Ltd. The agreed price was £700,866.47.

The decision sought is the award of the contract pursuant to the Council's Contract Procedure Rules to Lindum Group Limited

4. Is it an Urgent Decision? If yes, specify the reasons for urgency

No. However, dates have been agreed for the works with Lincs Inspire Ltd. in mid-2019. Swift award of the tender and commencement of works will enable us to honour the dates agreed, and avoid operational disruption and any potential for claim by Lincs Inspire Ltd.

5. Anticipated outcome(s)	
To proceed with the award of the contract for installation of energy conservation measures at Cleethorpes Leisure Centre.	
6. Details of any alternative options considered and rejected by the officer when making the decision	
The option of not awarding the tender was considered. While it is difficult to assess value for money with a single tender, the value for money in terms of ERDF outputs offered to the Smart Energy Greater Lincolnshire project is satisfactory. As the project needs to secure outputs at acceptable cost, the option of not awarding was rejected.	
7. Background documents considered:	
Smart Energy Greater Lincolnshire bid to MHCLG, which sets out capital spend, quarterly targets and carbon savings expected of the programme.	
Cabinet Report of 20th December 2017 : Smart Energy Businesses for Greater Lincolnshire (SEBGL)- European Regional Development Fund Application (ERDF)	
8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons	
No.	
9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)	
N/A	
10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)	
The above decision is consistent with the anticipated outcomes of the delegations conferred by Cabinet on 20 th December 2017.	
11. Section 151 Officer Comments (Deputy S151 Officer or nominee)	
The cost of the works is funded via the approved Energy ERDF Project scheme within the Council's Capital Investment Programme. Any delays in completing works can put at risk the grant funding provided towards this scheme.	
12. Human Resource Comments (Strategic Workforce Lead or nominee)	
There are no direct HR implications	
13. Risk Assessment (in accordance with the Report Writing Guide)	
Failure to award the tender for the Cleethorpes Leisure Centre will result in delayed progress with the Smart Energy, Greater Lincolnshire project which, if not achieving to profile, could suffer decommitment of funds. The project supports the objective of a "stronger economy" in North East Lincolnshire, by reducing spend on energy bills.	
14. Decision maker(s)	Name: Sharon Wroot Title: Director of Resources and Governance Signed:  Dated: 4/6/19

15. Consultation carried out with Portfolio Holder(s):	Name: Cllr Swinburn Titles: Portfolio Holder for Environment and Transport  _____ Signed and Dated
16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor	Name: Title:  _____ Signed and Dated



Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)

The Council's current Banking Services contract ends on the 31st March 2020, and there are no more extensions available.

To ensure the Council remains compliant with the Public Contract Regulations and the Contract Procedure Rules, and ensure continuity of services, a re-procurement exercise is required to establish a replacement contract.

The intention is for the replacement contract to run for an initial duration of 60 months, with the possibility to extend for a further 2 x 12 months subject to performance. This matches the length of the current contract.

The estimated value of the re-procurement is £175,000.

A project team has been established to undertake the procurement which includes colleagues from Finance, Procurement and Legal.

The award criteria used will be a combination of cost and quality in order to determine the Most Economically Advantageous Tender.

2. Is it a Key Decision as defined in the Constitution?

No

3. Details of Decision

Approval is sought to re-procure the Banking Services contract.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

No

5. Anticipated outcome(s)

Re-procurement of the Banking Services contract and identification of a successful tenderer.

6. Details of any alternative options considered and rejected by the officer when making the decision
An alternative option is to not undertake a re-procurement of the Banking Services contract. This means that Council will have no replacement contract, and the Council will be in breach of the Public Contract Regulations 2015, and the Contract Procedure Rules.
7. Background documents considered:
There are no background documents to consider.
8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons
No
9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)
No conflicts of interest have been identified.
10. Monitoring Officer Comments <i>(Monitoring Officer or Deputy Monitoring Officer)</i>
Constitutionally the responsibility for (inter alia) treasury management and banking rests with the s151 Officer/Director for Resources and Governance. The decision sought is consistent with good practice and ensures compliance with regulatory frameworks and is necessary for the protection of the Council.
11. Section 151 Officer Comments <i>(Deputy S151 Officer or nominee)</i>
The value of the contract is estimated to be approximately £175k over the potential seven year contract (£25k per annum)
12. Human Resource Comments <i>(Strategic Workforce Lead or nominee)</i>
None
13. Risk Assessment (in accordance with the Report Writing Guide)
There is a reputational and financial risk associated with not re-procuring the Banking Services contract due to the associated breach of the Public Contract Regulations 2015.

<p>14. Decision maker(s)</p>	<p>Name: <u>SHARON WROOT</u></p> <p>Title: <u>DIRECTOR OF FINANCE & RESOURCES</u></p> <p>Signed: <u>[Redacted]</u></p> <p>Dated: <u>18/6/19</u></p>
<p>15. Consultation carried out with Portfolio Holder(s):</p>	<p>Name: <u>[Redacted]</u></p> <p>Title: <u>[Redacted]</u></p> <p><u>[Redacted]</u> 19 June 2019 ted</p>
<p>16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor</p>	<p>Name: _____</p> <p>Title: _____</p> <p>_____ Signed and Dated</p>



Officer Decision Record

1. Subject and details of the matter
DN.29 YORKSHIRE AND HUMBER PUBLIC SERVICES NETWORK PROCUREMENT
2. Is it a Key Decision as defined in the Constitution?
Yes, the whole life expenditure exceeds £350K which meant this was a key decision as defined in the Constitution (CPRs).
3. Details of Decision
<p>Background to Decision</p> <p>Currently Virgin Media provide the council's IT network and the contract is expiring in the Summer of 2019.</p> <p>A recent regional procurement has been carried out to provide a Call-Off Framework for the delivery of managed IT network infrastructure providing connectivity to the Public Services Network (PSN) and Health Social Care Network (HSCN) services. PSN is required to access centrally hosted systems such as Department for Works and Pensions (DWP). HSCN connectivity is required for accessing centrally hosted NHS systems such as SystmOne. The procurement was carried out by NHS Digital on behalf of circa 60 regional partners including Heath, Fire, Police and Local Authorities.</p> <p>Redcentric have been awarded the framework contract for the Yorkshire and Humber Public Services Network (YHPSN).</p> <p>Details of Decision;</p> <p>Cabinet agreed to the recommendations on 29th August 2018 and authorised the Director of Finance, Resources and Operations in consultation with the Portfolio Holder for Finance, Governance and Resources to commence a procurement exercise for a replacement managed IT network infrastructure providing connectivity to the Public Services Network (PSN) and Health Social Care Network (HSCN) services as set out in this report; Authorised the Director of Finance, Resources and Operations in consultation with the Portfolio Holder for Finance, Governance and</p>

Resources to award such contract; Authorised the Monitoring Officer to execute all documentation in connection with the award.

Following Cabinet agreement to the recommendations, the Council presented a report to the Director of Finance, Operations and Resources, Legal, and Procurement and as such the decision was made to call off the YHPSN framework.

The following points were considered in comparing the current provider with the recommended framework provider:

- Financial – Cost reduction
- Contractual – Better SLA's, service credits, performance management
- Technical infrastructure requirements to meet future demands
- Innovation – Access to new technologies
- Regional integration options – Connecting to partners

When establishing the Framework bids for the Framework were assessed on the following Quality criterion - Quality and Legal / Weighting: 60 % and Price - Weighting: 40 %

A call-off from this regional framework will see significant benefit to North East Lincolnshire Council. Redcentric have proposed using different technologies to deliver the required network services which will have the potential to deliver a 43% cost saving on their existing WAN contract and a 100% bandwidth increase at 33 sites. Once fully implemented it is expected that NELC will save in the region of £80,000K per annum.

Approval to purchase the services from the Framework was given on the basis that this is the most cost effective procurement solution.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency

N/A

5. Anticipated outcome(s)

The anticipated outcome will be that the contract will be delivered effectively on behalf of the Council for a 5 year period and the following savings achieved:

Year 1 Savings

£23,500 (£80,000 Annual Saving minus Installation Cost £56,500)

Year 2,3,4 & 5 Savings

£320,000 (£80,000 Annual Saving over 4 years)

Total Saving over 5 years £343,500

6. Details of any alternative options considered and rejected by the officer when making the decision

The recommended option was presented to the Director of Finance, Operations and Resources, Legal, and Procurement as outlined above.

7. Background documents considered:

Cabinet report (29th August 2018).

8. Does the taking of the decision include consideration of Exempt information?
If yes, specify the relevant paragraph of Schedule 12A and the reasons

9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

None provided.

10. Monitoring Officer Comments
(Monitoring Officer or Deputy Monitoring Officer)

As detailed above, the framework contract has a number of benefits, advantages and assurances. The procurement process and subsequent award of the contract is consistent with the Cabinet decision of 29th August 2018. Legal officers will support the provision of all requisite legal documentation.

11. Section 151 Officer Comments
(Deputy S151 Officer or nominee)

As outlined above, the approval of this tender will result in cost savings estimated at £80k per annum once fully implemented and a more efficient service than previously provided.

12. Human Resource Comments
(Strategic Workforce Lead or nominee)

There are no direct HR implications contained within this report

13. Risk Assessment (in accordance with the Report Writing Guide)

14. Decision maker(s)

Name: SHARON WROOT

Title: DIRECTOR OF RESOURCES & GOVERNANCE

Signed: 

Dated: 23/5/19

15. Consultation carried out with Portfolio Holder(s):

Name: STAN SHREEVE

Title: PORTFOLIO HOLDER, FINANCE & RESOURCES

28/6/19

Signed and Dated

16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor

Name:

Title:

Signed and Dated



Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)
<p>NELC Stray dog kennelling service contract:</p> <p>Decision to tender for a new service on a 2 year, plus 3 x 12 month extension basis.</p> <p>The total anticipated spend is in the region of £50k per annum. These costs are indicative and do not carry any guarantee of value or volume of business over the contract term. Actual future needs may vary up or down. A total service cost of approximately £250k is estimated based on this. This is a statutory service with contract to commence 01/07/2019.</p> <p>However, whilst the decision is needed to procure a new supplier, it is noted the marketplace of potential suppliers is very small and therefore the number of bids are expected to be low perhaps even just 1 provider, therefore a single bid process.</p>
2. Is it a Key Decision as defined in the Constitution?
No.
3. Details of Decision
<ol style="list-style-type: none"> 1. After tendering for a supplier to provide a stray dog kennelling service in line with contract specification the Assistant Director, Environment, Economy and Growth in consultation with the Portfolio Holder for Safer and Stronger Communities to award the contract on the basis of the above. 2. For the Chief Legal and Monitoring Officer to execute documentation arising.
4. Is it an Urgent Decision? If yes, specify the reasons for urgency Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.
No
5. Anticipated outcome(s)
Tender process completed and provider found to supply the service and allow NELC to fulfil its statutory obligations.

6. Details of any alternative options considered and rejected by the officer when making the decision
Not applicable.
7. Background documents considered:
Not applicable.
8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons
No.
9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)
Not applicable.
10. Monitoring Officer Comments <i>(Monitoring Officer or Deputy Monitoring Officer)</i>
<p>The Council has a duty under the auspices of the Environmental Protection Act 1990 to appoint an officer in order to deal with the proper discharge of the Council's duties and obligations (including detention) arising.</p> <p>Incidental to that duty is a reasonable expectation that the Council has an appropriate detention facility. The tendering and award of a service envisaged by this report is consistent with the Council's obligations.</p>
11. Section 151 Officer Comments <i>(Deputy S151 Officer or nominee)</i>
<p>The Council retain a budget to cover the estimated costs of a Stray Dogs contract. The actual cost of the contract will be linked to demand and the performance against available budget will be subject to ongoing review as part of normal budget monitoring and reporting responsibilities.</p>
12. Human Resource Comments <i>(Strategic Workforce Lead or nominee)</i>
There are no direct impacts associated with this decision
13. Risk Assessment (in accordance with the Report Writing Guide)



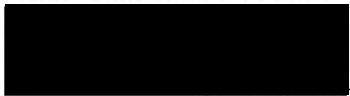
14. Decision maker(s)	Name: Carolina Borgstrom Title: Assistant Director – Environment Signed:  Dated: <u>03/07/19</u>
15. Consultation carried out with Portfolio Holder(s):	Name: Cllr. R Shepherd Title: Portfolio Holder Safer and Stronger Communities Signed:  Dated: <u>03 07 19</u>
16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor	Name: Title: <div style="text-align: right;"> _____ Signed and Dated </div>



Officer Decision Record Tollbar Junction Works

1. Subject and details of the matter
<p>Tollbar Junction Works has been the subject of extended governance culminating in a Cabinet decision of 29th October 2018 which envisaged the procurement, award and implementation of the works.</p> <p>At that time the following delegation was made to the Director for Economy and Growth:</p> <p><i>“Cabinet authorises the Director for Economy and Growth to immediately commence a procurement exercise for the works arising out of Recommendation 1 above and make an appropriate award in consultation with the Portfolio Holder for Environment, Transport and Energy.”</i></p> <p>A procurement exercise was commenced and diligently conducted but no award was made due to the onset of purdah prior to the Local Government Elections on 2nd May 2019.</p> <p>Subsequent to a change in political control of the Council on 2nd May 2019 the Tollbar Junction Works have been paused at the behest of the leadership of the Conservative Group pending further appraisal and consideration of the matter as a whole.</p>
2. Is it a Key Decision as defined in the Constitution?
<p>The issue of the works per se is one of sensitivity and will have an impact on more than two wards. Hence there is generally qualification as a key decision as defined in the Constitution. However, given the nature of the decision sought (a pause pending further consideration) a revisit by formal Cabinet is not necessary at this stage. The matter will come before Cabinet once a definitive decision is to be made.</p>
3. Details of Decision
<ol style="list-style-type: none"> 1. To acknowledge a political pause of the implementation of the anticipated works; 2. To acknowledge that the Director for Economy and Growth is authorised (but not required) by Cabinet to implement the works; 3. That the Portfolio Holder for Environment and Transport (<i>formerly Portfolio holder for Environment, Transport and Energy</i>): <ol style="list-style-type: none"> a. accepts that the Director for Economy and Growth is not required to implement the works contrary to political will; b. authorises a pause on the implementation of the works, pending further consideration; and c. instructs the Director for Economy and Growth to take no further action in the furtherance of implementation, pending further decision of Cabinet. 4. That the Leader of the Council supports and endorses the above.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency
No.
5. Anticipated outcome(s)
A pause on the implementation of the Cabinet mandated works pending further Cabinet decision.
6. Details of any alternative options considered and rejected by the officer when making the decision
N/a
7. Background documents considered:
Cabinet Decision Notice arising from the decision taken on 29 th October 2018.
8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons
No.
9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)
None.
10. Monitoring Officer Comments (Monitoring Officer or Deputy Monitoring Officer)
<p>The issues around Tollbar Junction are well known and publicised and will not be repeated here. The above decision to pause is one of political will and governance. A pause in the implementation of the works mandated by the Cabinet of a former administration pending further consideration is not a decision to revoke or reverse at this stage. It is designed to give the Elected Members of a new administration in majority control of the Council the opportunity to fully consider previous complex technical and professional advice and to permit a period of reflection pending formal decision.</p> <p>In the interests of transparency the pause and clarification of the position of the Director for Economy and Growth is captured here.</p>

11. Section 151 Officer Comments <i>(Deputy S151 Officer or nominee)</i>	
There are no financial implications arising out of the anticipated pause save exposure to the risk of increased pricings should the works be re-tendered in the future and availability of grant funding	
12. Human Resource Comments <i>(Strategic Workforce Lead or nominee)</i>	
None	
13. Risk Assessment (in accordance with the Report Writing Guide)	
In addition to risks around delay in implementation, the risks arising are as outlined in the above 151 Officer comments.	
14. Decision maker(s)	Name: Clive Tritton Title: Interim Director for Economy and Growth Signed:  Dated: <u>8/7/19</u>
15. Portfolio Holder:	Name: Cllr. Stewart Swinburn Title: Portfolio Holder for Environment and Transport  <u>08/07/2019</u> Signed and Dated
16. Leader of the Council	Name: Cllr. Philip Jackson Title: Leader of the Council  <u>8/7/19.</u> Signed and Dated



Officer Decision Record

1. Subject and details of the matter
<p>Agreement relating to Neighbourhood Operations functions in Immingham ward:</p> <p>The Discharge of Functions and Cooperation Agreement with Immingham Town Council in respect of Grounds Maintenance and Street Cleansing functions within the ward of Immingham ends on 31st March 2019. Immingham Town Council voted to continue the arrangement and the North East Lincolnshire Council Neighbourhood Operations Service have negotiated a new agreement, for a period of 5 years.</p>
2. Is it a Key Decision as defined in the Constitution?
<p>No, the decision affects only one ward and does not result in the Council incurring significant expenditure.</p>
3. Details of Decision
<p>This decision record seeks approval to establish a new Discharge of Functions and Cooperation Agreement with Immingham Town Council in respect of Grounds Maintenance and Street Cleansing functions within the ward of Immingham. The agreement will commence on 1st April 2019 for 5 years, with the option to extend for a further 2 years with the agreement of both parties.</p>
4. Is it an Urgent Decision? If yes, specify the reasons for urgency
<p>No.</p>
5. Anticipated outcome
<p>That from 1st April 2019 North East Lincolnshire Council enters in to an agreement with Immingham Town Council for delegated functions relating to Grounds Maintenance and Street Cleansing within the ward of Immingham for a period of 5 years, with the option to extend for a further 2 years.</p>
6. Details of any alternative options considered and rejected by the officer when making the decision
<p>Conclusion of the agreement with Immingham Town Council and a return to NELC provision of services. Considered unwarranted as Immingham Town Council wish to continue the arrangement and it is working well.</p>

7. Background documents considered:
<p>Discharge of Functions and Cooperation Agreement – Grounds Maintenance and Street Cleansing in Immingham.</p> <p>Cabinet report of 27th March 2013 – Grounds Maintenance and Street Cleansing in Immingham.</p>
8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons
No.
9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)
None.
10. Monitoring Officer Comments <i>(Monitoring Officer or Deputy Monitoring Officer)</i>
<p>Such arrangements are at the request of Immingham Town Council and indicate a mutual desire to work together on an agreed-upon goal.</p> <p>The agreement will be drawn up with the support of legal officers, outlining the basic terms of the agreement between the parties and based on an already established agreement with Immingham Town Council, which is working well.</p> <p>The decision will enable NELC's statutory duties to be complied with as part of a planned approach for service delivery with mutual benefits.</p>

11. Section 151 Officer Comments*(Deputy S151 Officer or nominee)*

The cost of the new agreement totals £41k per annum and the required budget has been established to meet those costs.

12. Human Resource Comments*(Strategic Workforce Lead or nominee)*

There would be no direct HR implications if the recommendations are implemented.

13. Risk Assessment (in accordance with the Report Writing Guide)**Risks:**

Should the decision be taken to terminate the arrangement with Immingham Town Council there is a risk of:

- Damage to the effective working relationship between North East Lincolnshire Council and Immingham Town Council.
- Insufficient time to return service delivery in-house leading to a failure to deliver statutory street cleansing and grounds maintenance duties and failure to adequately maintain open spaces, causing reputational damage and exposing North East Lincolnshire Council to action from regulatory authorities.
- Staff having to TUPE between the organisations to undertake the duties involved in the current arrangement; this may present financial and reputational risk and challenges to North East Lincolnshire Council.

Opportunities:

Immingham Town Council: Should the decision be taken to renew the Discharge of Functions and Cooperation Agreement, North East Lincolnshire Council and Immingham Town Council will have in place suitable Grounds Maintenance and Street Cleansing functions to their mutual benefit which allow a planned approach to service delivery post March 2019.

14. Decision maker(s)

Name: Carolina Borgstrom

Title: Assistant Director Environment

Signed: _____

Dated: _____

08/07/19

15. Consultation carried out with Portfolio Holder(s):

Name: Cllr. P. Jackson

Title: Leader- North East Lincolnshire Council

Signed and Dated

8/7/19.

16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor

Name:

Title:

Signed and Dated



**Officer Decision Record – Financial contribution from the Council to enable
Lincolnshire Housing Partnership to acquire a Long Term Empty Property and
commence their regeneration programme for the neighbourhood, eliminating the
financial burden of the property to the Council.**

1. Subject and details of the matter

On the 29th October 2014, Cabinet approved the compulsory purchase of 5 long term empty properties within North East Lincolnshire, where the owners had failed to co-operate in bringing the properties back into use.

Cabinet agreed to acquire 19 Shelley Avenue, Nunsthorpe, Grimsby, North East Lincolnshire and to dispose of the property to Shoreline Housing Partnership, now Lincolnshire Housing Partnership (LHP), with repairing conditions to ensure the property was brought back into use.

Voluntary acquisition has been offered to the owner of the property as part of the prescribed process. These negotiations have confirmed that there is an outstanding mortgage balance of £39,201.98 and the owner would agree to pursue a voluntary acquisition if the full balance of the debt was paid to him in full.

LHP are willing to purchase the property for £32,500 if North East Lincolnshire Council contribute £6,701.98 to the regeneration/demolition of Burns Grove and Shelley Avenue.

The ODR report seeks approval to contribute £6,701.98 of the overall regeneration costs of the project and enable LHP to purchase the property outright and demolish and re-develop the site, as identified in LHP's Neighbourhood Plan.

LHP have advised the Council;

Once transfer has been completed LHP will arrange to undertake a full property survey and clean and clear fly-tipping and waste from the site. A full survey will be completed to carry out a cost analysis against two options.

- 1) Demolish and clear the site. This will then look to be included within the broader regeneration of the derelict site on Burns Grove. Our development team and LA planners have had several meetings to discuss multiple sites – Burns, Dame Kendal Grove, Newton Grove and Shelley Avenue as being one site. Initial thoughts are very positive and it has been recommended once all information has been gathered and ownership issues resolved we will be looking to make an application for full planning.***
- 2) Depending on the above costs it may be that both 17/19 Shelley Avenue are fully refurbished and brought back into use.***

Clearly option 1 would take a considerable period of time to reach the full outcome, however in the short-term the site would be cleared and maintained. If option 2 is pursued we would be on Site quickly to bring both properties back into use.

To give reassurance LHP are committed to ensuring a quick decision is made on the longer term area plan and taking direct action in the short term to improve the area aesthetics and reduction in nuisance and ASB.

A formal agreement will be established between the Council and LHP prior to any payment, ensuring appropriate and timely action is taken by LHP ensuring either the buildings are brought back into use, restored to a safe and suitable standard, improving the look of the street scene, while awaiting demolition or are demolished asap.

Under the agreement LHP would have 12 weeks to implement a plan otherwise the Council will claw the £6,701.98 payment back.

The property has been empty since 2005 and was first brought to the Council's attention in 2007. Numerous complaints have been received concerning its condition and the detrimental effect it's having on the neighbourhood.

The property has been subjected to repeated vandalism over a period of years and is now semi derelict. On the 5th November 2017 the property was subjected to a substantial arson attack, which has left the property in a very poor and venerable state.

The owner of the property Mr Mohammed Riasat lives many miles outside the administrative district of the Council. The Council has served statutory notices on the owners to carry out clearance works and to board up the property, with no positive outcome or resolution to date. Furthermore, additional notices will have to be served should the property become insecure or fly tipping occurs, all at the additional time and expense to the Council. To date the Council have attended the property in excess of 23 times to tackle anti-social behaviour and fly-tipping issues, while Humberside Fire and Rescue Service have attended to 8 fire incidents since the property became empty, all at significant cost to the public purse.

The adjacent property, 17 Shelley Avenue, Grimsby, is owned by LHP and due to the poor and unsafe condition of number 19 Shelley Avenue, LHP have been unable to let number 17 Shelley Avenue for 3 years. Furthermore the condition of their own property has now fallen into disrepair.

The owner of 19 Shelley Avenue in partnership with the Council's Empty Homes Team, have explored a number of options to bring the property back into use, including exploring grant and loan opportunities available. However due to lack of equity in the property this was not financially viable.

Open market valuation of the property in its current state is considered to be in the region of £20,000 - £25,000.

Voluntary acquisition is offered to the owners of potential CPO properties as part of the recognised and prescribed process. These negotiations have resulted in the owner confirming that they have an outstanding mortgage balance of £39,201.98 and would only agree to pursue a voluntary acquisition if the full debt of the property was met. The Council have received confirmation from Birmingham Midshires Mortgage Services the debt of 19 Shelley Avenue is £39,201.98, this has been confirmed by North East Lincolnshire Council Legal Services.

LHP have confirmed that they are willing to pay £39,200.98, which is substantially above the market value, for the property if North East Lincolnshire Council contributes £6,701.98 to the overall regeneration programme.

The £6,701.98 payment by North East Lincolnshire Council would facilitate a swift voluntary acquisition of the property and regeneration of the area. It would also stop on-going costs being incurred by the Council in maintain the safety of the building. It would also enable LHP to piece together the final parcel of land, enabling them to implement a much wider regeneration plan for Burns Grove & Shelley Avenue.

It is proposed the requested funding would come out of the existing CPO budget, where there is adequate provision to absorb the £6,701.98 transaction.

The £6,701.98 payment would be significantly lower than if the council went on to pursue a full CPO, as it would incur unavoidable legal costs to Norfolk Legal Services (who pursue the CPO on the councils behalf) and any potential objections which could lead to a costly Public Enquiry, which the owner would most likely proceed with due to the financial losses he would incur by handing over the property.

To ensure LHP progress with the demolition and move forward with their regeneration plans for the neighbourhood, the council have set a legal agreement with LHP, which means that LHP (from the date they own 19 Shelley Avenue) they have 12 weeks in which to improve / demolish and clear the site. Failure to deliver this within the agreed timescales, will mean LHP, pay back the council's £6,701.98 regeneration contribution.

By assisting with the re-development of the site, this would bring positive regeneration to the area quicker and remove a problematic long – term empty property from the ward.

LHP have confirmed that they have the funding in place to purchase the property, as does the council via its CPO budget.

The empty homes issue in the neighbourhood has been under the scrutiny of the regional media previously.

2. Is it a Key Decision as defined in the Constitution

The decision is not defined within the constitution

3. Details of Decision

Release of funding (£6,701.98) to facilitate the regeneration of a discrete area of the borough thereby facilitating the voluntary acquisition by Lincolnshire Housing Partnership of a property mandated by Cabinet to be compulsorily acquired.

4. Is it an Urgent Decision? If yes, specify the reasons for urgency

No. Not supporting the purchase will result in a lengthy CPO process. This will involve North East Lincolnshire Council having to apply to the Secretary of State for permission to compulsory purchase the property. During this time period the property will still be subject to anti-social behaviour and pose a significant health and safety risk to the community. Under the process, the property owner will have a right to appeal against the CPO and all their costs will be met by the Council. It is expected COP costs could increase to £50k.

5. Anticipated Outcome

Approve the payment of £6,701.98 to LHP enabling them to regenerate the area.

This will allow LHP to acquire the property and demolish it to enable a new property to be built or dwellings to be built, forming part of their re-development of Burns Grove & Shelley Avenue area of the Nunsthorpe Estate.

The approval of funding could create some minor reputational risks for the Council. Although the Council will be paying £6,701.98 to LHP (which would be significantly less than what the overall cost to the Council would be paying via the CPO route) LHP would be paying the owner of the property more than market value of the property.

By agreeing to the £6,701.98 proposal, would generate positive reputational benefits for the Council. The neighbours and residents of the property have endured many years of anti-social behaviour and fear of arson attacks living nearby to a long term empty property. Once LHP acquire the property they would be accountable for the property and the associated risks. LHP could then demolish and begin to redevelop the area.

6. Details of any alternative options considered and rejected by the officer when making the decision

Option 1 – Do nothing and leave the property as is, pursuing the owner to carry out external repairs and ad hoc clearance to the site. This would not resolve the long term issues with the property, nor would it reduce the risk to the council or improve the neighbourhood.

Option 2 - Pursue the Compulsory Purchase Order. Commission Norfolk Property Services to begin proceedings. The time frame is likely to take 18 months for possession. The Council would then sell the property on to LHP who would then demolish it and incorporate the land into the development of Shelley Avenue.

During this process the property would still be subjected to arson attacks and fly-tipping with the neighbours being subjected to continuous anti-social behaviour. The Council would also incur further costs in officer time, having to deal with a semi-derelict building.

The Council would also be subjected to legal costs of the owner should this go to a Public Enquiry. The costs to the Council of a Public Enquiry, including compensation could exceed £50,000. A public enquiry would further delay the regeneration of the area. This option does not offer value for money to the council or provide the quickest solution to the residents on the estate.

7. Background Documents considered

Cabinet Report – 29th October 2014 – Forward Plan Ref PLA 10/14/06

8. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)

There are no conflicts of interest

10. Monitoring Officers Comments

The delegations of the Cabinet decision of 29th October 2014 are:

1. To make a Compulsory Purchase Order under section 17 of the Housing Act 1985 to compulsorily acquire (subject to the confirmation by the Secretary of State for Community and Local Government) all interests in the five properties.
2. That the Monitoring Officer be authorised to complete the formalities to acquire the properties for the Council.
3. Once the CPOs have been issued, the decision to dispose of these properties be delegated to the Chief Executive.
4. That following acquisition of the properties by the Council the Monitoring Officer is authorised to complete the formalities to sell the properties in accordance with the contents of this report.

I am satisfied that the above proposal represents value for money for the Council in avoiding protracted and expensive compulsory purchase proceedings and that a voluntary solution which brings regeneration should be supported and approved. The direct disposal to Lincolnshire Housing Partnership is reasonable and consistent with Council policy. However, given delegation (3) captured above I would advise that the signature of the Chief Executive Officer of the Council is obtained to support the disposal. This will demonstrate compliance with the will of Cabinet.

11. Section 151 Officers Comments

(Head of Finance & Assets or nominee)

It is anticipated that a contribution of £6,701.98 to support LHP to purchase the property outright will have positive financial outcomes for the Council. By bringing an empty property back into use there is the potential for increased council tax and in addition there are indirect financial benefits through reduced intervention. The funding will be provided from the existing CPO budget and there is adequate provision to absorb the contribution.

12. Human Resource Comments

(Head of Governance & Business Support or nominee)

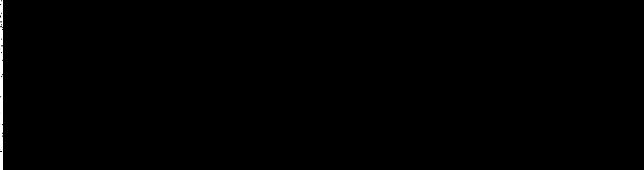

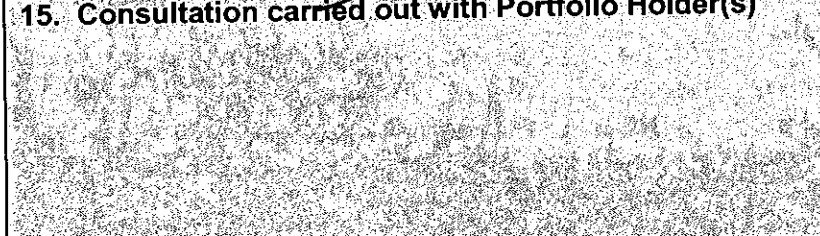
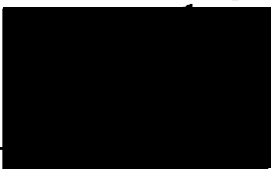
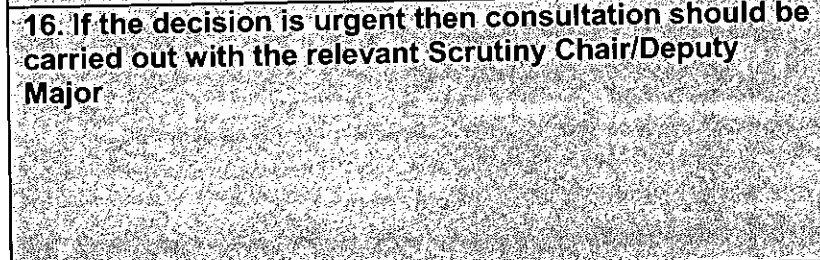
HR have no issue/or comments

13. Risk Assessment (In accordance with the report writing guide)

Low Risk

14. Decision maker(s)

Name: Clive Tritton

	<p>Title: Director for Economy and Growth</p> <p> 25/6/19</p> <p>Signed and Dated</p>
<p>15. Consultation carried out with Portfolio Holder(s)</p> 	<p>Name: Cllr John Fenty Title: Portfolio Holder for Regeneration, Skills and Housing</p> <p> 20/6/19</p> <p>Signed and Dated</p>
<p>16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Deputy Major</p> 	<p>Name: N/A Title: N/A</p> <p>Signed and Dated</p>



Officer Decision Record

1. Subject and details of the matter (to include reasons for the decision)
To seek approval to award the contract for the Supply of Permanent Social Workers following conclusion of the evaluation process.
2. Is it a Key Decision as defined in the Constitution?
No.
3. Details of Decision
<p>The successful provider will recruit permanent social workers including senior social workers and case supervisors for vacant positions within the children's services teams of the Council over the 12 months of the contract. There is a possibility to extend the contract for up to 2 further 12 month periods subject to performance.</p> <p>A further competition was run under the ESPO Strategic HR Services 3S_18 Framework, Lot 2e – Health & Social Care.</p> <p>Five responses to the tender were received; they were evaluated by the evaluation team in line with the published award criteria in order to determine the Most Economically Advantageous Tenderer (MEAT). Following the completion of the evaluation, Sanctuary Personnel Limited was identified as the MEAT.</p> <p>It is recommended the contract is awarded to Sanctuary Personnel Limited.</p> <p>In the first 4 months, the Provider is required to recruit:</p> <p>Senior Social Workers for Children Assessment and Safeguarding Case Supervisors for Children's Assessment and Safeguarding Service Senior Social Workers for Families First Access Point Case Supervisor for Families First Access Point</p> <p>The exact number to be recruited is to be confirmed post contract award. The Provider is required to recruit 25% of the Authority's required total per month for the first 4 months.</p> <p>The value of the contract is dependent on the number of permanent social workers recruited, but the indicative value for the first 4 months is £39,549.51.</p>

4. Is it an Urgent Decision? If yes, specify the reasons for urgency Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.
No.
5. Anticipated outcome(s)
The contract is awarded to the Sanctuary Personnel Limited.
6. Details of any alternative options considered and rejected by the officer when making the decision
Not award – there was a successful bidder which met the cost and quality requirements detailed in the tender documentation, there is no reason not to award the contract.
7. Background documents considered:
None.
8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons
No.
9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)
None
10. Monitoring Officer Comments <i>(Monitoring Officer or Deputy Monitoring Officer)</i>
<p>The Director for Children's Services enjoys wide constitutional delegations in connection with the discharge of all local authority functions in connection with (inter alia) social work and matters arising from the Children's Act 1989. Recruitment and adequate resource will fall under those delegations.</p> <p>On 5th June 2019 Cabinet, as part of its consideration of the Provisional Outturn Report made the following decision:</p> <p><i>Approves the creation of a £2M earmarked reserve for use within Children's Services to specifically address the recruitment of childcare social workers, a need highlighted within a recent Ofsted review.</i></p> <p>Therefore the above decision sought is supported.</p>

11. Section 151 Officer Comments
(Deputy S151 Officer or nominee)

The Council has attempted to recruit permanent social workers through its internal processes with limited success. This has led to increased costs as the Council has been required to rely upon high cost agency staff to support service delivery. The contract to supply permanent social workers will help reduce the overall cost base within the service.

12. Human Resource Comments
(Strategic Workforce Lead or nominee)

Specific HR advice will be provided in respect of remuneration levels, process, and contractual arrangements of those recruited through this contract.

13. Risk Assessment (in accordance with the Report Writing Guide)

The Council has attempted to recruit permanent social workers through its internal processes, and has had limited success. Awarding this contract will allow the Council to gain the support of a specialist in the recruitment of permanent social workers. Not awarding the contract will increase the workloads of current staff and potentially put at risk the children and young people of the borough.

14. Decision maker(s)

Name: Steve Kay

Title: Director of Children's Services

Signed: 

Dated: 17.7.19

15. Consultation carried out with Portfolio Holder(s):

Name: Cllr. Ian Lindley

Title: Portfolio Holder for Children, Education and Young People

Signed: 

Dated: 16.7.19

16. If the decision is urgent then consultation should be carried out with the relevant Scrutiny Chair/Mayor/Deputy Mayor

Name:

Title:

Signed and Dated

