



CABINET DECISION NOTICE

Publication Date: 18th February 2022

At a meeting of the Cabinet held on the 16th February 2022 the following matters were discussed. The decisions of Cabinet are set out below each item along with reasons for the decision and other options considered.

Present: Councillor Jackson (in the Chair)

Councillors Cracknell, Lindley, Shepherd, Shreeve and S. Swinburn.

DN.109 APOLOGIES FOR ABSENCE

There was an apology for absence received from Councillor Procter for this meeting.

DN.110 DECLARATIONS OF INTEREST

There were no declarations of interest from any Councillor for this meeting.

DN.111 MINUTES

The minutes of the Cabinet meeting on 19th January 2022 were agreed as a correct record.

DN.112 QUARTER 3 FINANCE MONITORING REPORT 2021/22

Cabinet considered a report from the Deputy Leader and Portfolio Holder for Finance, Resources and Assets providing key information and analysis of the Council's position and performance against its Finance and Commissioning Plan for the third quarter of the 2021/22 year.

RESOLVED –

- 1. That the reported position and the uncertainties related to the impacts of Covid-19 and its potential longer-term implications, be noted.**
- 2. That the Financial Monitoring Report be referred to Scrutiny for consideration.**
- 3. That the revised Capital Programme for 2021/22 included at Annex 1 of the report now submitted be approved.**

REASONS FOR DECISION - The report is important in informing Cabinet on the financial position and performance of the Council and highlighting key risks and opportunities.

OTHER OPTIONS CONSIDERED – Not applicable to monitoring report.

DN.113 COUNCIL PLAN

Cabinet considered a report from the Leader of the Council seeking agreement of the content of the Council Plan.

RECOMMENDED TO COUNCIL – That the Council Plan outlined in appendix A of the report now submitted be approved and adopted.

REASONS FOR DECISION - The Council Plan has been considered by all Scrutiny panels. Comments and recommendations have been considered and the plan amended where appropriate.

The Council Plan is a North East Lincolnshire Council policy framework document. Therefore, it may only be approved by Full Council following consultation with Scrutiny.

OTHER OPTIONS CONSIDERED – Council may choose not to adopt the Plan. However, this option would mean that there is a lack of visibility around the Council's planned activity and progress.

DN.114 BUDGET AND MEDIUM TERM FINANCIAL PLAN 2022 – 2025

Cabinet considered a report from the Deputy Leader and Portfolio Holder for Finance, Resources and Assets representing the Budget and Medium Term financial plan 2022 – 2025 for consideration prior to Full Council.

RECOMMENDED TO COUNCIL –

- 1. That the 2022/23 Budget and summary 2022/23 – 2024/25 Medium Term Financial Plan ('MTFP') contained within Appendix 1 of the report now submitted, be approved.**

2. That the proposed 1.98% increase in Council Tax, be approved.
3. That the proposed 1% Adult Social Care precept in 2022/23, be approved.
4. That the Commissioning plans contained within Appendix 1 (Annex 1) of the report now submitted, be approved.
5. That the Capital Investment Strategy included within Appendix 1 (Annex 3) of the report now submitted, be approved.
6. That the 2022/23 - 2024/25 Capital Programme set out in Appendix 1 (Annex 2) of the report now submitted, be approved.
7. That the Flexible Use of Capital Receipts Policy included within Appendix 1 (Annex 7) of the report now submitted, be approved.
8. That the uncertainty relating to the impact of COVID-19 and other significant external factors be noted and requests the Executive Director for Environment, Economy and Resources to update Cabinet within quarterly monitoring reports.

REASONS FOR DECISION - The Council must determine how it is to operate within the forecast financial resources over the medium term. To comply with its legal obligations, the Council must set a balanced budget for 2022/23 and provide a realistic financial forecast for the medium-term financial planning period.

OTHER OPTIONS CONSIDERED –

Option appraisals have been undertaken in setting the budget.

A range of options have been considered when considering service delivery within defined financial resources to support the delivery of the Council's outcomes.

DN.115 TREASURY MANAGEMENT POLICY AND STRATEGY 2022/23

Cabinet considered a report from the Deputy Leader and Portfolio Holder for Finance, Resources and Assets presenting the restated Treasury Policy Statement and the Treasury Management Strategy Statement prior to Full Council consideration.

RECOMMENDED TO COUNCIL –

1. That the Treasury Management Policy Statement at appendix 1 of the report now submitted, be approved.
2. That the Treasury Management Strategy Statement and Prudential Indicators for 2022/23 at appendix 2 of the report now submitted, be approved.

3. That the Minimum Revenue Provision Policy Statement at Annex 2 of Appendix 2 of the report now submitted, be approved.

REASONS FOR DECISION - The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice for Treasury Management in Public Services (the CIPFA TM Code) and the Prudential Code require local authorities to approve their Treasury Management Strategy Statement and Prudential Indicators on an annual basis. This Authority requires the Strategy to be approved by full Council.

The Full Council will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.

Full Council holds responsibility for the implementation and regular monitoring of the organisation's treasury management policies and practices, and delegates the execution and administration of treasury management decisions to The Director of Finance, who will act in accordance with the organisation's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.

OTHER OPTIONS CONSIDERED – These are set out on Page 28 of the Treasury Management Strategy Statement (Appendix 2 to the report now submitted).

DN.116 PAY POLICY STATEMENT 2022 – 2023

Cabinet considered a report from the Leader of the Council presenting the Pay Policy Statement for 2022 – 2023 prior to Full Council consideration.

RECOMMENDED TO COUNCIL - That the pay policy statement for the period 2022/23 be approved.

REASONS FOR DECISION - To ensure compliance with legislation and recommended practice on data transparency.

OTHER OPTIONS CONSIDERED – None.

**DN.117 NORTH EAST LINCOLNSHIRE COUNCIL
CONCESSIONARY FARES SCHEME**

Cabinet considered a report from the Portfolio Holder for Environment and Transport seeking approval of the final scheme following a period of consultation; the scheme which would come into force on the 1st April 2022.

RESOLVED –

1. That the continuation of the current, statutory minimum North East Lincolnshire Concessionary Fares Scheme (with existing non-statutory local enhancements) from 1 April 2022 to 31 March 2023, be approved.
2. That the proposed reimbursement of the operators starting from 2019/2020 Concessionary Fares baseline (pre COVID-19), and to follow the Department for Transport “Concessionary Recovery Strategy”, be approved.
3. That authority be delegated to the Executive Director for Environment, Economy and Resources in consultation with the Portfolio Holder for Environment and Transport to ensure that all actions necessary and ancillary to the above recommendations be completed.
4. That upon the Department of Transport amending the COVID-19 Bus Recovery Grant (BRG) or issuing updated concessionary travel guidance, the Executive Director for Environment, Economy and Resources in consultation with the Portfolio Holder for Environment and Transport be authorised to approve an amended Concessionary Fares agreement with local bus operators.
5. That the Assistant Director Law, Governance and Assets be authorised to complete and execute all requisite legal documentation arising.

REASONS FOR DECISION - Adoption of the North East Lincolnshire Concessionary Fares Scheme will ensure that the Council meets the relevant statutory requirements in relation to the operation of the national scheme and the reimbursement of eligible transport operators.

OTHER OPTIONS CONSIDERED –

The following options are available to the Council:

Do nothing – This option is not recommended. Local authorities have a duty to provide free bus travel for eligible pass holders to a statutory minimum level. Public transport operators are compensated for revenue foregone and for any net additional costs incurred as a result of operating the national scheme in accordance with criteria established by the DfT.

Reimburse operators based upon alternative calculation - Should this payment be lower than the DfT guided payment, operators are likely to appeal to the Secretary of State for Transport. Operators have the right to appeal local authority concessionary fare reimbursement under section 150 (1) of the Transport Act 2000.

Reimburse the operators starting from 2019/2020 Concessionary Fares baseline agreement – This is the recommended option. DfT have set out a “Concessionary Recovery Strategy” which allows LTA’s to

reduce their pre-Covid concessionary payments to operators in a phased approach which is set out in 1.11. This approach will provide bus operators with further additional support for longer whilst patronage is still repressed. This means the approach is less likely to impact on service and demand levels, aligning with the National Bus Strategy objectives of delivering a better bus service of growing networks and improving routes. However, this approach also aims to balance out operators' needs against the needs of LTAs, as it still enables LTAs to reduce their concessionary reimbursement payments throughout the next financial year, whilst providing a slow and steady transition back to actuals.

DN.118 SCHOOL ADMISSION ARRANGEMENTS FOR THE 2023-2024 ACADEMIC YEAR

Cabinet considered a report from the Portfolio Holder for Children and Education presenting the school admission arrangements 2031/24 for approval.

RESOLVED –

- 1. That the position whereby, the general admission arrangements, including published admissions numbers (PANs), for the local authority's community and voluntary controlled schools for 2023-2024 be unchanged and supported.**
- 2. That the position that, no material changes be made to the local authority's co-ordinated school admission arrangements published schemes other than the updating of dates and deadlines, and that locally agreed protocols that support admission arrangements continue to be reviewed on a regular basis, be supported.**
- 3. That authority be delegated to the Deputy Chief Executive and Executive Director for People, Health and Care in consultation with the governing bodies of community and voluntary controlled schools and the Portfolio Holder for Children and Education to increase the published admission number of an individual year group in a school in exceptional circumstances.**
- 4. That those schools and academies that are their own admission authorities have the ability to consult and determine their own admission arrangements, be noted. Details of known proposed changes are provided at Appendix 1 of the report now submitted.**
- 5. That it be noted that the increasing number of academies within the local authority the number of schools for which the local authority is responsible for in respect of determining admission arrangements is reduced.**

REASONS FOR DECISION - The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 requires school admission arrangements for 2023-2024 to be determined and published, after any required consultation by 15th March 2022. The recommendations above result from the statutory consultation required under legislation which took place for a minimum period of 6 weeks between 1st October 2021 and 31st January 2022.

OTHER OPTIONS CONSIDERED – Other options are regularly considered in the wide ranging consultations.

DN.119 SCHOOL TERM DATES FOR NORTH EAST LINCOLNSHIRE'S COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS FOR THE 2023-2024 ACADEMIC YEAR

Cabinet considered a report from the Portfolio Holder for Children and Education presenting the school term dates for North East Lincolnshire's community and voluntary controlled schools for 2023/24 academic year.

RESOLVED –

- 1. That the proposed dates detailed at Appendix A of the report submitted, for voluntary controlled and community schools for the 2023–2024 academic year, be approved.**
- 2. That authority be delegated to the Deputy Chief Executive and Executive Director of People, Health and Care in consultation with the Portfolio Holder for Children and Education to implement and take all reasonable steps arising.**

REASONS FOR DECISION - The 1996 Education Act requires local authorities to determine school term dates annually. The proposal in Appendix A is recommended as this would ensure as much uniformity as possible with our internal own admission authority schools and academies and neighbouring local authorities. Therefore, minimising where possible internal differences and any cross boundary disruption.

OTHER OPTIONS CONSIDERED – None.

DN.120 STREETWORKS LICENCE CHARGES: SKIPS, SCAFFOLD AND PORTABLE TRAFFIC SIGNALS

Cabinet considered a report from the Portfolio Holder for Environment and Transport seeking approval to implement new Streetworks licence charges for the placing of skips, scaffold and portable traffic signals on the Highway.

RESOLVED –

- 1. That the introduction of Streetworks licence charges for the placing of skips, scaffold, and portable traffic signals on the Highway, subject to satisfactory the conclusion of the benchmarking exercise and IT implementation, as identified in paragraphs 1.12 and 1.13, be approved.**
- 2. That authority be delegated to the Executive Director for Environment, Economy and Resources, in consultation with the Portfolio Holder for the Environment and Transport, to implement an appropriate scheme.**
- 3. That the Assistant Director Law, Governance and Assets (Monitoring Officer) be authorised to execute all documents in connection with the above.**

REASONS FOR DECISION - Streetworks licence charges for the placing of skips, scaffold and portable traffic signals on the Highway will enable NELC to manage, co-ordinate and regulate the use of these items on the Highway more effectively.

OTHER OPTIONS CONSIDERED – The Council could choose not to implement the proposed licence charges and do nothing. However, this would result in the placing of skips and scaffold on the Highway remaining unregulated and equipment not being removed in a reasonable timescale, potentially resulting in road safety issues for all highway users.

DN.121 PROCUREMENT OF INSURANCE SERVICES

Cabinet considered a report from the Deputy Leader and Portfolio Holder for Finance, Resources and Assets seeking approval to commence a procurement exercise for the Councils Insurance Services

RESOLVED –

- 1. That the commencement of a procurement exercise for the Insurance Services, be approved.**
- 2. That authority be delegated to the Executive Director of Environment, Economy and Resources in consultation with the Deputy Leader and Portfolio Holder for Finance, Resources and Assets to deal with all matters leading to and including the award of the contract(s) for the Insurance Services.**
- 3. That the Assistant Director Law, Governance and Assets (Monitoring Officer) be authorised to complete and execute all legal documentation in connection with the award.**

REASONS FOR DECISION - The recommendations of this report will allow the procurement process to commence and for an award decision to be made. This will allow time to complete the procurement and implement the replacement contract(s) for the 1st October 2022.

OTHER OPTIONS CONSIDERED – None at this stage as any decision not to commence a procurement and ultimately make an award would be adverse and not in the interests of the Council.

DN.122 INCREASING PUPIL PROVISION AT BEACON ACADEMY

Cabinet considered a report from the Portfolio Holder for Children and Education seeking authority to spend a sum of the Local Authority's Basic Need Government Grant allocation within the Council's school estate, specifically at Beacon Academy to increase Pupil Provision.

RESOLVED –

- 1. That the programme of a new pupil places scheme at Beacon Academy to create a further 150 places, to ensure that the Local Authority has sufficient and suitable school places to meet its statutory responsibility as per the Education Act 1996, be approved.**
- 2. That authority be delegated to the Executive Director for People, Health and Care (as Director for Children's Services) and in consultation with the Portfolio Holder for Children and Education to so implement and take all ancillary action arising.**

REASONS FOR DECISION - The Local Authority has a statutory duty to ensure sufficient and suitable provision of school pupil places for its residents. The national increase in the birth rate has resulted in a significant increase in pupil numbers which are now starting to impact upon secondary provision.

OTHER OPTIONS CONSIDERED – The Local Authority will find itself in a position of having insufficient and unsuitable pupil places, thus not meeting its statutory duty as per the Education Act 1996 within the Cleethorpes Area of the borough without maximising this opportunity to provide the Local Authority with a new fit for purpose 750 place school for its pupils and residents as opposed to a 600 place school.

DN.123 NELC LETTINGS LEGISLATION PENALTY NOTICE POLICY

Cabinet considered a report from the Portfolio Holder for Safer and Stronger Communities seeking adoption of a new policy which would enable the Trading Standards to use financial penalties, as an alternative to prosecution, under the relevant letting agency legislation.

RESOLVED –

- 1. That the adoption of the Lettings Legislation Penalty Notice policy as set out in appendix A of the report now submitted, be approved.**
- 2. That authority be delegated to the Executive Director Environment Economy and Resources, in consultation with the Portfolio Holder for Safer and Stronger Communities, to take all actions reasonably necessary to implement, administer and ensure enforcement of such policy, where necessary.**

REASONS FOR DECISION - This policy mirrors the policy developed by the National Trading Standards Estate and Letting Agency Team (NTSELAT) who are the national lead authority for this work and have given permission for other local authorities to adopt their policy to provide national consistency.

If we did not adopt this policy then we would not have anything in place to enable us to enforce the penalty notices contained within the pieces of legislation.

The other alternative would be to create our own policy but as this is a national piece of legislation it seems only appropriate that we adopt a policy that has been provided for all local authorities to use.

OTHER OPTIONS CONSIDERED –

For certain elements covered by the policy the Trading Standards Service could instead prosecute under the Consumer Protection from Unfair Trading Regulations 2014, however this would relate to claims that agents are members of a redress scheme, not that they are not members of the scheme.

Not adopting the scheme and therefore not having the provisions in place to enforce these pieces of legislation.

DN. 124 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – That the press and public be requested to leave on the grounds that discussion of the following business was likely to disclose exempt information within paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).

DN.125 NORTH EAST LINCOLNSHIRE COUNCIL CONCESSIONARY FARES SCHEME

Cabinet considered from the Portfolio Holder for Environment and Transport, the closed appendix in relation to DN.117.

RESOLVED – As noted at DN.117 above.

REASONS FOR DECISION – As noted at DN.117 above.

OTHER OPTIONS CONSIDERED – As noted at DN.117 above.