



CABINET DECISION NOTICE

Publication Date: 11th March 2022

At a meeting of the Cabinet held on the 9th March 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, Procter, Shepherd, Shreeve and S. Swinburn.

DN.126 APOLOGIES FOR ABSENCE

There were no apologies for absence received for this meeting.

DN.127 DECLARATIONS OF INTEREST

Councillor Procter declared a personal interest at item DN.135 as an employee of a business that purchases annual business parking permits.

DN.128 MINUTES

The minutes of the Cabinet meeting on 16th February 2022 were agreed as a correct record.

DN.129 NORTH EAST LINCOLNSHIRE COUNCIL'S MUSEUM SERVICE – APPLICATION FOR MUSEUM ACCREDITATION FOR THE GRIMSBY FISHING HERITAGE CENTRE (GFHC)

Cabinet considered a report from the Portfolio Holder for Economic Development, Housing and Tourism presenting a series of policies for adoption to support an application for Museum Accreditation for the Grimsby Fishing Heritage Centre.

RESOLVED –

1. That the Museum Service policies as laid out at appendix 1-5 of the report now submitted, be approved and submitted as part of an Accreditation return for the Grimsby Fishing Heritage Centre to the Arts Council.
2. That authority be delegated to the Executive Director Environment, Economy and Resources in consultation with the Portfolio Holder for Economic Development, Housing and Tourism to submit such application and deal with any requests for further information or clarification and any ancillary matters arising.

REASONS FOR DECISION - The Council has a duty to preserve the North East Lincolnshire Collection and ensuring that ongoing Museum Accreditation remains in place contributes to this.

To apply for, and continue to retain, Museum Accreditation for the GFHC the Museum Service is required, by the Arts Council, to have a 'Forward Plan' and other relevant and up to date policies in place which have been formally approved by Cabinet. Subject to approval, the relevant Museum policies listed above will be submitted as part of the Accreditation return.

OTHER OPTIONS CONSIDERED – Do nothing – this will result in the Council no longer being an Accredited Museum Service for the GFHC. Losing Accreditation will impact GFHC's eligibility to apply for funding from external funders and exclude us from supporting organisations such as Museum Development Yorkshire. The Museum Service will also be unable to loan objects from other museums and heritage sites, resulting in an impact on the GFHC's ability to create an interesting and attractive exhibition programme.

DN.130 DEPARTMENT FOR EDUCATION HOLIDAY ACTIVITIES AND FOOD (HAF) GRANT

Cabinet considered a report from the Portfolio Holder for Children and Education seeking approval of the Department for Education Holiday Activities and Food grant of £789,050 to co-ordinate the delivery of free holiday clubs for children in receipt of benefits-related free school meals.

RESOLVED –

1. That the acceptance of the Department for Education Holiday Activities and Food (HAF) grant of £789,050, be approved.
2. That authority be delegated to the Deputy Chief Executive and Executive Director for People Health and Care, acting as the Interim Director of Children's Services in consultation with the Portfolio Holder for Children and Education to ensure that all necessary actions are carried out in order to co-ordinate and implement the Holiday Activities and Food programme.

3. That the Assistant Director Law, Governance and Assets (Monitoring Officer) be authorised to complete all requisite legal documentation arising.

REASONS FOR DECISION - This decision enables the Council to deliver the Holiday Activities and Food (HAF) programme across the borough, and engage with key partners to co-ordinate planning via a steering group.

The decision enables the Council to award funding to eligible organisations in North East Lincolnshire to provide free holiday activities and food clubs for children eligible for, and in receipt of, benefits-related free school meals.

The decision enables the Council to work with Finance colleagues to monitor the indicative budget, and to provide regular updates to the DfE and the Portfolio Holder for Children, Education and Skills as required.

Without this decision, the Council would not be able to deliver the HAF programme in the Easter, summer and Christmas holidays, and children eligible for free school meals would be likely to have negative holiday experiences. Furthermore, many families in the borough would remain in food poverty.

OTHER OPTIONS CONSIDERED – Do nothing. This option has not been recommended as it would exacerbate food poverty experienced by many families in the authority.

DN.131 ENHANCED BUS QUALITY PARTNERSHIP AND SCHEMES

Cabinet considered a report from the Portfolio Holder for Environment and Transport summarising the Government's National Bus Strategy and introducing the Enhanced Bus Quality Partnership and Scheme.

RESOLVED –

- 1. That the Enhanced Bus Quality Partnership and Scheme as set out in Appendix 1 of the report now submitted, be approved and effective from 1st April 2022.**
- 2. That authority be delegated to the Executive Director Environment, Economy and Resources, in consultation with the Portfolio Holder for Environment and Transport, to:**
 - a. Approve any future variations to the Enhanced Bus Quality Partnership Scheme.**
 - b. Approve a Bus Passenger Charter for North East Lincolnshire.**

- c. **Procure measures identified in the Enhanced Bus Quality Partnership and Scheme or reprioritised Enhanced Bus Quality Partnership Scheme.**
 - d. **Award contract(s) for the measures within the allocated budget to the project and to carry out all activity to mobilise and fully implement.**
 - e. **Present a progress report on the operation of the Enhanced Bus Quality Partnership Scheme to the appropriate scrutiny panel by 31 March 2023.**
3. **That the Assistant Director Law, Governance and Assets be authorised to complete and execute all requisite legal documentation arising.**

REASONS FOR DECISION - The Government have encouraged every Local Transport Authority (LTA), and bus operator in England to be in a statutory Enhanced Bus Quality Partnership using existing powers in the Bus Services Act 2017. The Council is an LTA. To deliver the Enhanced Bus Quality Partnership and Scheme requires approval by 31 March 2022.

OTHER OPTIONS CONSIDERED –

Option 1 - Continue with the existing Voluntary Bus Quality Partnership - The Government has encouraged local authorities to move to the Enhanced Partnership Model. If the Council do not move to the Enhanced Bus Quality Partnership model this has potential financial implications for the local authority as the DfT are indicating they will no longer pay local authorities and bus operators COVID-19 Bus Service Support Grant, (CBSSG) and Bus Service Operators Grant (BSOG). This option is not recommended.

Option 2 - Follow Government guidance towards creating an Enhanced Bus Quality Partnership and Scheme - This is the recommended option and this option would meet the Government aspirations and assist the Council in delivering improved bus services with key stakeholders.

DN.132 LOCAL TRANSPORT PLAN DELIVERY PLAN 2022/23-2024/25

Cabinet considered a report from the Portfolio Holder for Environment and Transport setting out the package of measures to be delivered through the Council's 2022/23-2024/25 capital programme for approval.

RESOLVED –

1. **That the proposed Local Transport Plan Delivery Plan at appendix 1 of the report now submitted, including the Local Transport Plan capital programme for 2022/23 – 2024/25, be approved.**

- 2. That authority be delegated to the Executive Director Environment, Economy and Resources, in consultation with the Portfolio Holder for Environment and Transport to:**
 - **finalise the terms of the funding arrangement with the Department for Transport and receive funds;**
 - **establish programme governance arrangements including the approval of any project variations, commence any related procurement exercises to deliver projects within the programme in accordance with the Public Contract Regulations 2015 and to make appropriate contract awards;**
 - **implement appropriate monitoring arrangements including receipt of a monthly update on programme progress.**
- 3. That authority be delegated to the Executive Director Environment, Economy and Resources, in consultation with the Portfolio Holder for Environment and Transport to receive any additional in year grant funding and allocate spend accordingly through the Local Transport Plan programme and to deal with all ancillary matters arising.**
- 4. That the Assistant Director Law, Governance and Assets (Monitoring Officer) be authorised to settle, complete and execute all documentation arising from the above.**

REASONS FOR DECISION - For the Department for Transport grant funding to be received by the Council and for the 2022/23 Local Transport Plan capital programme to be delivered within the necessary timescales and to the requirements outlined by the Department for Transport.

OTHER OPTIONS CONSIDERED –

When developing the annual Local Transport Plan (LTP) programme, programme managers consider a wide range of potential schemes, considering the likely impact on the LTP challenges as well as other criteria specific to individual programme areas. In doing so, they develop a comprehensive list of schemes that address our responsibilities as a local highway authority and support the delivery of the Council's Local Plan and other key strategies.

There is flexibility within the programme to consider changes to the list of schemes to be delivered within the year where there is an appropriate level of priority or urgency to the proposed scheme. Where amendments are necessary, they will be subject to support by the Operations Director (EQUANS) and the Assistant Director for Housing, Highways, Transportation and Planning (NELC), prior seeking the Portfolio Holders approval.

DN.133 SCHOOL BUILDINGS CAPITAL PROGRAMME 2022 TO 2025

Cabinet considered a report from the Portfolio Holder for Children and Education presenting the rolling programme of capital works for the Local Authority's Schools Condition, High Need and Basic Need Government Grant allocations within the Council's school estate for approval.

RESOLVED –

- 1. That authority be delegated to the Executive Director for People, Health and Care in consultation with the Portfolio Holder for Children and Education to:**
 - a. Approve the continuing rolling programme of identified highest priority condition works within the Schools Capital Maintenance Programme.**
 - b. Approve the programme of new pupil places schemes to ensure that the Local Authority has sufficient and suitable school places to meet its statutory responsibility in accordance with the Education Act and the demand for local places due to new housing developments. This programme includes the need for two new 210 place primary schools, as well as expanding some of the Local Authority's existing sites by the creation of a further 150 pupil places at Cleethorpes Academy, and 245 pupil places across Laceby and New Waltham schools.**
 - c. Approve the programme of works within the High Need Programme.**
 - d. Commence procurement exercises where necessary in connection with the above, and to appoint suitable providers to run two new proposed 210 place primary schools to include award, mobilisation and implementation at the appropriate time.**
 - e. To carry out all ancillary activity reasonably arising from the above.**
- 2. That the Assistant Director Law, Governance and Assets be authorised to execute any documentation arising from the above recommendations.**

REASONS FOR DECISION - The Local Authority has a statutory duty to ensure sufficient and suitable provision of school pupil places for its residents. The local increase in the birth rate has resulted in a significant increase in pupil numbers which are now starting to impact upon secondary provision. The Cleethorpes area of the town is identified as having a shortfall of 400 places. 100 of these places have

already been addressed through the initial growth of Beacon Academy. In October 2021, the Local Authority was informed by the Department for Education that this site had been identified within Wave 2 of the Government's 500 New Schools Programme for a new 600 place provision. The Local Authority had already identified that it required a 750 place site and is currently in discussion with the Department over a contribution for the additional 150 places it requires to meet demand. This financial ask as captured within the attached Pupil Place Financial Forecast (Appendix A) was presented to Cabinet on the 16th February 2022. The remaining required 150 places will be met through the expansion of Cleethorpes Academy.

There are also emerging pressures within specific primary planning areas (Laceby Village, New Waltham, Scartho and Waltham Village) which require new pupil places to meet the demand which has been further impacted by new housing developments, which in turn will further impact upon secondary provision.

OTHER OPTIONS CONSIDERED –

Other schools in the areas of required growth have been consulted upon the identified programme and proposed sites.

Ensuring sufficient pupil places across all of its school estate is a statutory duty of Local Authorities, and Central Government provides all Local Authorities with an allocation based upon the annual School Capacity Return (SCAP) specifically for the purpose of supporting this need.

The good practice of robust asset management for school buildings ensures that buildings do not fail and have to close unexpectedly, and Central Government provides all Local Authorities with an allocation based upon its maintained schools pupil count specifically for this purpose.

High needs provision is a government identified emerging need and over the last two financial years Local Authorities have received an allocation from the DfE. The indications are that Local Authorities will receive a further Government allocation for the 22/23 financial year (sum not yet known).

An option to do nothing would result in a lack of suitable and sufficient pupil places and an inability to fulfil the statute duty and a risk of school closure if priority condition matters are not addressed.

DN.134 ADULT SOCIAL CARE CHARGING POLICY

Cabinet considered a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care in relation to the Adult Social Care Charging Policy's annual review.

RESOLVED –

- 1. That the previously considered charging approaches be reflected upon, in particular the rejection of an option of applying a maximum percentage of disposable income as an upper limit to be taken into account for charging purposes ('the 'percentage-based approach') in order to satisfy itself that its current approach to charging is appropriate.**
- 2. That authority be delegated to the Director of Adult Social Services (DASS) in consultation with the Portfolio Holder for Health, Wellbeing and Adult Social Care, to revise the charging policy for the financial year 2022/23 and thereafter enable the Portfolio Holder for Health, Wellbeing and Adult Social Care to make minor modifications periodically as may be required in accordance with the constitutional responsibility afforded to that office.**

REASONS FOR DECISION - Cabinet must ensure that its adult social care charging policy is periodically updated to reflect law and practice.

OTHER OPTIONS CONSIDERED –

A substantial range of approaches to adult social care charging have been considered over a number of years. Approaches which the Council previously utilised include (by way of summarised examples):

- a) Setting a maximum weekly figure to charge individuals, regardless of actual cost to the Council of the individual's care. This was previously part of the Council's policy; for example, from October 2009 the Council set a maximum charge for care at home at £200 per week
- b) Subsidised hourly rates for care costs i.e., seeking to recover from individuals less per hour than the Council pays for the service. Subsidised hourly rates for care at home appear to have ended from April 2011
- c) Setting a maximum percentage of costs to be charged to an individual, regardless of actual cost to the Council of the individual's care. Until April 2015, the Council's policy was to charge service users no more than 90% of the actual costs of their care at home
- d) Offering a MIG substantially in excess of the level set nationally by DHSC. For example, until October 2009 the Council allowed a MIG of 30% on top of income support. Note: NEL's current MIG amount is above the nationally set MIG, but is now less generous than previously (the local MIG is sourced from a single person's DWP rates (set annually by the Department of Work and Pensions), including any premium entitlements plus, an additional 25%).

Other options that the Council previously considered but did not pursue include (again, by way of summarised examples):

- a) Charging individuals the full costs of both care workers delivering care to them, where two care-workers are required to deliver care simultaneously
- b) Charging for support provided to informal carers
- c) A range of other options for maximising cost recovery, including varying the Council's approaches to treatment of certain benefits as part of financial assessment, have been considered and not pursued.

The Council has previously committed itself to a policy position of full cost recovery wherever appropriate. As the previous approaches above show, the Council has updated and amended its policy over some years to reflect that commitment. The importance of such commitment is highlighted by the unprecedented challenges to the Council's budgets generally, and to the overstretched adult social care budget in particular.

Despite these challenges, the Council continues to retain a more generous approach in some areas of its policy, such as in respect of a higher MIG than that directed annually by DHSC, and in electing not to pursue options such as those listed at 3.2 (for example charging for carers' support services). In its past and current deliberations, the Council has striven to develop an approach to charging which takes into account personal affordability for adults in need, and affordability for the system as a whole.

DN.135

**THE BOROUGH OF NORTH EAST LINCOLNSHIRE
COUNCIL (OFF-STREET PARKING PLACES) ORDER
2022**

Cabinet considered a report from the Portfolio Holder for Environment and Transport seeking approval to review various aspects of parking provision across the borough including a number of additions to the current off-street parking orders.

RESOLVED –

- 1. That a review of parking provision and parking permits across the borough be supported and adopts the approaches as contained at appendix 1, 2, 3 and 4, or the report now submitted.**
- 2. That authority be delegated to the Executive Director for Environment, Economy and Resources in consultation with the Portfolio Holder for Environment and Transport to:**
 - a. Complete and implement the review of parking provision and parking permits;**

- b. **Conduct an annual financial review of all car park revenue and to review all tariffs and permit prices ensuring that such review supports the Carbon Road Map, the Bus Service Improvement Plan and Economic Regeneration.**
- c. **Take all necessary and ancillary action to implement and deal with all matters directly arising.**

REASONS FOR DECISION - An up-to-date Parking Strategy is an integral part of the Council's wider strategic framework supporting the ambitions detailed in its adopted Local Plan and Economic Strategy.

OTHER OPTIONS CONSIDERED –

Do nothing – The opportunity to review the Parking Strategy and realign to the current economic regeneration of the borough would not be realised and this would be a lost opportunity.

Take forward Cabinet approved recommendations from December 2018 only.

DN.136 WRITE OFF OF UNCOLLECTABLE COUNCIL TAX DEBTS

Cabinet considered a report from the Deputy Leader and Portfolio Holder for Finance, Resources and Assets seeking approval to write off uncollectable Council Tax debts.

RESOLVED – That the Executive Director Environment, Economy and Resources be instructed to formally write off the sum of £51,409.82 of uncollectable Council Tax debt as outlined within Appendix A of the report now submitted.

REASONS FOR DECISION - The Council's Financial Procedure Rules require Cabinet approval to write off debts of over £50k. In each of the cases recommended for write off, the company has ceased trading. Where appropriate, claims have been sought via the liquidators.

OTHER OPTIONS CONSIDERED – If Cabinet does not agree to approve write off of these debts, they will remain within the Council Tax system with little or no prospect of collection. A review of outstanding debts is necessary for North East Lincolnshire Council to ensure effective management of outstanding debt. The amounts in the report are recommended for write off in accordance with prudent accounting methods and have already been taken into account. The Council's bad debt provision has already been adjusted to reflect these debts.

DN.137 WRITE OFF OF UNCOLLECTABLE NATIONAL NON-DOMESTIC RATES DEBTS

Cabinet considered a report from the Deputy Leader and Portfolio Holder for Finance, Resources and Assets seeking approval to write off uncollectable National Non-Domestic Rates (Business Rates) debts.

RESOLVED – That the Executive Director Environment, Economy and Resources be instructed to formally write off the sum of £574,974.51 of uncollectable National Non-Domestic Rates outlined within Appendix A of the report now submitted.

REASONS FOR DECISION - The Council's Financial Procedure Rules require Cabinet approval to write off debts of over £50k. In each of the cases recommended for write off, the company has ceased trading. Where appropriate, claims have been sought via the liquidators.

OTHER OPTIONS CONSIDERED – If Cabinet does not agree to approve write off of these debts, they will remain within the NNDR system with little or no prospect of collection. A review of outstanding debts is necessary for North East Lincolnshire Council to ensure effective management of outstanding debt. The amounts in the report are recommended for write off in accordance with prudent accounting methods and have already been taken into account in the 2021/22 NNDR estimates. The Council's bad debt provision has already been adjusted to reflect these debts.