



CABINET
DECISION NOTICE

Publication Date: 14th February 2018

At a meeting of the Cabinet held on 14th February 2018 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 Oxby (in the Chair)
Councillors Bolton, James, Patrick and Watson

DN.107 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Hyldon-King and P. Wheatley for this meeting.

DN.108 **DECLARATIONS OF INTEREST**

No declarations of interest were made in regards to any items of the agenda.

DN.109 **MINUTES**

The minutes of the Cabinet meeting on 20th December 2017 and 17th January 2018, and the Special meeting of the Cabinet on the 31st January 2018 were agreed as a correct record.

DN.110

THIRD PARTY PROVISION OF FIXED PENALTY NOTICE ENFORCEMENT FOR DOG FOULING AND LITTER

Cabinet considered a report from Portfolio Holder for Safer Communities and Public Protection presenting a number of options around an approach to dog fouling and litter enforcement.

RESOLVED –

- (1) That the commissioning of a third party provider to undertake litter and dog fouling enforcement across North East Lincolnshire to supplement existing provision on a trial basis for an 18 month period, be approved.**
- (2) That authority be delegated to the Director of Finances, Resources and Operations to award the decision on selecting a third party provider following procurement process.**

REASON FOR DECISION – As part of the ongoing work of the Smarter Neighbourhood Services Review, the decision to commission a third party provider will enable the Council to provide a cost neutral robust approach to litter and dog fouling.

OTHER OPTIONS CONSIDERED –

Option 1 – Provide Dog Fouling & Littering Enforcement Provision as part of the Community Protection & Compliance Team

As mentioned above, to further support the Smarter Neighbourhood Services review and the move to fortnightly waste collections a new provision has been established. The team will be responsible for encouraging behaviour change and investigating and enforcing non-compliance of recycling and waste presentation. In addition, the team will have wider responsibilities in relation to enforcement around statutory nuisance and wider environmental issues which will include fly tipping, litter and dog fouling.

Whilst the new Community Protection and Compliance Team will retain powers to enforce litter and dog fouling, and will be required to do so, it is evident that the capacity of the team and the wider responsibilities incumbent on the provision will continue to limit the amount of regular and proactive patrols required to effectively enforce dog fouling and litter.

The Smarter Neighbourhood Services Programme has been set challenging savings targets which means any increase in service provision in this area to enable more regular targeted patrols would need to be considered carefully set against any alternative cost neutral options.

It is the view of managers that incorporating dog fouling and litter enforcement solely within a wider Community Protection and Compliance Team will not provide regular and sustainable patrols in order for enforcement activity to be effective.

Option 2 – Create dedicated NELC Team

This option explored the costs involved in principal for creating a specific “self-funding” dedicated dog fouling and litter enforcement provision utilising and redeploying existing staff within North East Lincolnshire Council as an addition to the wider Community Protection and Compliance Team. It is also prudent to note that where PCNs were challenged, additional legal costs would be incurred due to a need to present evidence in Court.

The estimated cost of the provision has been calculated as follows:

3 Enforcement Officers	£77,000
Administrative & Legal support	£7,000
Total	£84,000 pa

Whilst there is no suggestion that targets should ever be part of an internal provision, in order for this resource to be sustainable, the team would need to receive payment for 35 PCN's per week 52 weeks of the year. Anecdotally 50% of PCNs issued do not get paid, any PCNs paid over this level would generate a surplus revenue.

Careful consideration around the legal costs incurred and the capacity of the Council's legal department for pursuance of non-payment of PCNs would need to be considered. Any fines issued by the Courts go directly to the Ministry Of Justice and not the Council thereby the pursuit via the court process for a PCN fine may amount to a loss to the Council who can only recover basic costs.

Option 3 – Commissioning of a Third Party Provider

Third Party providers are undertaking dog fouling and litter enforcement on behalf of a number of authorities around the country including large metropolitan areas such as Leeds, Wigan, Portsmouth, Doncaster, Bournemouth, Barnsley and Swansea.

Whilst no formal pre-market engagement has been undertaken to date, initial research indicates that one option offered by third party providers

is a cost neutral service with their income being generated from the returns from the Penalty Charge Notices (PCN) issued.

The enforcement process would be undertaken by the provider with no NELC staff involvement other than agreed contract management requirements and the administration of monies generated by the provider. A third party provider is likely to require touch down space within local authority premises so appropriate accommodation would need to be provided.

Staff cover can be a 7-day rota with indicated working hours between 0730 – 1930 with additional cover for special projects or events by prior arrangement.

The prosecution of offenders who fail to pay a PCN would fall to the Local Authority with the evidence to prosecute being provided by the third party provider. Reasonable court costs for each case would be applied for but any fine imposed would go to the Ministry of Justice.

Other Local Authorities have commissioned short term pilot trials ranging from 12 to 18 months. This has the benefit of allowing a fair and accurate assessment of the enforcement approach and activity provided to ensure it is complementary to the local area.

DN.111

NORTH EAST LINCOLNSHIRE SPORTS FACILITY STRATEGY 2017 AND NORTH EAST LINCOLNSHIRE PLAYING PITCH STRATEGY 2017

Cabinet considered a joint report from the Portfolio Holder for Health, Wellbeing and Adult Social Care and the Portfolio Holder for Finance, Community Assets, Governance and Tourism presenting the Sports Facility Strategy and the Playing Pitch Strategy for adoption.

RESOLVED –

- (1) That the North East Lincolnshire Council Sports Facility Strategy 2017-2030 as drafted at Appendix 1 of the report now submitted, be adopted.**
- (2) That the North East Lincolnshire Council Playing Pitch Strategy 2018-2032 as drafted at Appendix 2 of the report now submitted, be adopted.**
- (3) That authority be delegated to the Director of Health and Wellbeing in consultation with the Portfolio Holder for Health, Wellbeing and Adult Social Care and the Portfolio Holder for Finance, Community Assets, Governance and Tourism to make minor amendments, should Sport England and or the National Governing Bodies of Sport request any final changes.**

REASON FOR DECISION – The Culture, Heritage, Leisure, Sport and Tourism (CHLST) Programme seeks to reshape the services the Council commissions within an affordable budget whilst remaining committed to delivering North East Lincolnshire Council’s clearly defined priorities under the strategic aim to develop a ‘stronger economy and stronger communities’. These priorities are under-pinned by an outcomes framework that focuses on all people in North East Lincolnshire;

- Enjoying and benefiting from a stronger economy
- Feeling safe and being safe
- Enjoying good health and wellbeing
- Benefiting from sustainable communities
- Fulfilling their potential through skills and learning

A strategic approach to the management and development of North East Lincolnshire’s sport and leisure facilities is a key aspect to the reshaping of the CHLST Programme in order to successfully realise our strategic priorities.

OTHER OPTIONS CONSIDERED – Do Nothing – Non-Adoption. North East Lincolnshire Council could decide to not formally adopt the strategies. However without formal adoption, it is anticipated that the Council may face future challenges in respect of a decision to implement a project or development which involves sport, leisure or playing pitches within the borough.

DN.112

CORPORATE ASSET MANAGEMENT PLAN AND PROPERTY POLICY

Cabinet considered a joint report from the Portfolio Holder for Regeneration, Assets, Skills and Housing and the Portfolio Holder for Finance, Community Assets, Governance and Tourism presenting the Corporate Asset Management Plan and the Property Policy for adoption

RESOLVED –

(1) That the Corporate Asset Management Plan (CAMP) as set out in Appendix One of the report now submitted, be approved.

(2) That the Property Policy as set out in Appendix Two of the report now submitted, be approved.

REASON FOR DECISION – The Council sets in place a framework for managing property and assets enabling it to make sound capital investment decisions and effectively manage its resources accordingly.

The Corporate Asset Management Plan:

- Confirms the strategic approach required by the Council in managing its property and land assets by the principle means of: rationalisation, commercialism and support of regeneration schemes in the Borough;

- Provides an action plan of achievement of key property led activity in the last 3 years as evidence of change; and
- Provides an action plan required for the next three years relating to key property lead activity in order to meet the pace of change of the Place and the Council as an organisation.

The Property Policy:

- Confirms the Director of Finance, Operations and Resources as the Corporate Property Officer, in consultation with the relevant Portfolio Holder, who are responsible for decision making in respect of property and asset related transactions, subject in some cases to the referral to the Council's cabinet for approval, in line with the constitution.

OTHER OPTIONS CONSIDERED – None

DN.113

SCHOOL TERM DATES FOR NORTH EAST LINCOLNSHIRE'S COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS FOR THE 2019-2020 ACADEMIC YEAR

Cabinet considered a report from the Portfolio Holder for Children's Services setting out the proposed school year for 2019-2020 for all voluntary, controlled and community schools with the local authority.

RESOLVED – That the proposed dates for voluntary controlled and community schools for the 2019–2020 academic year as set out in Appendix A of the report now submitted, be approved.

REASON FOR DECISION – The 1996 Education Act requires local authorities to determine school term dates annually. Proposal 1 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.114

SCHOOL ADMISSION ARRANGEMENTS FOR THE 2019 – 2020 ACADEMIC YEAR

Cabinet considered a report from the Portfolio Holder for Children's Services setting out the local authority's school admission arrangements for community and voluntary controlled schools for the academic year 2019-2020.

RESOLVED –

- (1) **That the general admission arrangements, including published admissions numbers (PANs) for the local authority's community and voluntary controlled schools, for 2019-2020 be unchanged from 2018-2019.**

- (2) 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.
- (3) That the Deputy Chief Executive Communities continues to have delegated powers in consultation with the governing bodies of community and voluntary controlled schools to increase the published admission number of an individual year group in a school in exceptional circumstances.
- (4) That it be noted that those schools / academies that are their own admission authorities have the ability to consult and determine their own admission arrangements, details of known proposed changes are provided at Appendix 1 of the report now submitted.
- (5) That it be noted with 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 reducing.

REASON FOR DECISION – The Education (Determination of Admission Regulations 1999) requires school admission arrangements for 2019-2020 to be determined and published, after any required consultation by 28 February 2018. The recommendations above result from the statutory consultation required under legislation.

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

DN.115

EXCLUSION OF PRESS AND PUBLIC

RESOLVED – That the press and public be excluded from the remainder of the meeting on the grounds that discussion of the following business was likely to disclose exempt information within paragraph 5 of Schedule 12A of the Local Government Act 1972 (as amended).

DN.116

BUSINESS CENTRE – WIDER REVIEW

Cabinet considered a report from the Portfolio Holder for Regeneration, Assets, Skills and Housing setting out the results from the wide scale review of the business centre portfolio.

RESOLVED –

- (1) That the 'Recommendations' and 'Further Recommendations' outlined in the supporting 'Business Centre Review and Factory

Unit Update' attached at Appendix One and as summarised at section Two and Three of the report now submitted, be approved.

- (2) That authority be delegated to the Director of Finance, Resources and Operations, in consultation with the Portfolio Holder for Regeneration, Assets, Skills and Housing the responsibility to progress Capital Service Statements for refurbishment and improvement projects and instruct feasibility studies for expansion projects.**
- (3) That an update and further recommendations (where applicable) be provided at a future meeting to be determined.**
- (4) That authority be delegated to the Director of Finance, Resources and Operations, in consultation with the Portfolio Holder for Regeneration, Assets, Skills and Housing the responsibility to ensure that all necessary actions are carried out in order to approve and complete the detailed terms of the leases.**
- (5) That the Chief Legal Officer be authorised to complete all requisite legal documentation in relation to the matters outlined in the recommendations above.**

REASON FOR DECISION – The portfolio has evolved over many years and is no longer being utilised for its original purpose. This review identifies and categorises each site providing recommendations as to the longer term viability and purpose of the portfolio, identifying areas where savings and growth can be achieved. By implementing the recommendations it will ensure a fit for purpose portfolio is retained for the benefit of the Borough and a Portfolio managed in the most efficient way which will ultimately provide a realistic income to the commercial estate for the Council through ongoing revenue and if approved, one off windfalls of capital receipts through disposal.

OTHER OPTIONS CONSIDERED – All other options considered for individual sites within the Portfolio are contained within the 'Business Centre Review and Factory Unit Update' document.