



CABINET
DECISION NOTICE

Publication Date: 15th March 2018

At a meeting of the Cabinet held on 14th March 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 Watson (in the Chair)
Councillors Bolton, Hyldon-King, James, Patrick and Wheatley

DN.117 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Oxy for this meeting.

DN.118 **DECLARATIONS OF INTEREST**

Councillor Watson declared a Disclosable Prejudicial Interest in DN.128 as his wife is a Director of Art Regeneration and Community Heritage Ltd (ARCH Ltd), who currently manage the premises.

DN.119 **MINUTES**

The minutes of the Special Cabinet meeting on 12th February 2018, and the Cabinet meeting on the 14th February 2018 were agreed as a correct record.

DN.120 **AUTISM SPECTRUM CONDITIONS DIAGNOSIS PATHWAY SCRUTINY WORKING GROUP FINDINGS REPORTS**

Cabinet considered a report the presenting the findings and recommendations from the Autism Spectrum Conditions Diagnosis Pathway Scrutiny Working Group.

RESOLVED –

- (1) That the plans for a new proposed single access pathway for Autism Spectrum Conditions from March 2018 continue to be developed, quality assured and implemented.**
- (2) That the Children and Lifelong Learning Scrutiny Panel receive a detailed report in July 2018 to outline progress to date on the new proposed single pathway, specifically the support of children and families affected by Autism Spectrum Conditions and other related conditions and identify ways to monitor this topic via key performance indicators and/or outcomes.**
- (3) That evidence based future scrutiny of provision for support and diagnosis for Autism Spectrum Conditions and other related conditions include SMART targets, key performance indicators, benchmarks etc to ensure that outcomes are being met; and for parents to contribute to the evaluation of services.**
- (4) That a plan be immediately implemented to provide support and (if appropriate) diagnosis for those families who feel they have not been helped in recent years and to date; and provide a report for the Children and Lifelong Learning Scrutiny Panel to include details on the resource implications.**
- (5) That consideration be given to rationalising or limiting the number of parenting courses prescribed to a single family and a report be provided to the Children and Lifelong Learning Scrutiny Panel on this matter.**
- (6) That a timely independent expert(s) review be invited to consider the effectiveness of North East Lincolnshire Council's approach to supporting children and families affected by Autism Spectrum Conditions and other Special Educational Needs and Disabilities, the results of which to be**

presented to the Children and Lifelong Learning Scrutiny Panel for consideration.

REASON FOR DECISION – That Cabinet considers the findings report and recommendations of the Autism Spectrum Conditions Diagnosis Pathway Working Group as approved by a special joint meeting of the Children and Lifelong Learning Scrutiny Panel and Health and Adult Social Care.

OTHER OPTIONS CONSIDERED – The Executive Scrutiny Liaison Board addressed the resolution from Council 22 September 2016, not to do so would be in breach of the constitution. Further pursuing the issues raised in a 786 signature petition for debate strives for improvement and values the views of parents and families in North East Lincolnshire.

DN.121 **2017/18 QUARTER 3 FINANCIAL MONITORING**

Cabinet considered a report from the Portfolio Holder for Finance, Community Assets, Governance and Tourism presenting the latest analysis of the Councils financial position and performance at the end of the third quarter.

RESOLVED – That the Quarter 3 Finance Monitoring Report be referred to Scrutiny for consideration.

REASON FOR DECISION – The report is important in identifying to cabinet both successes, to note progress, and areas of forecast revenue overspend and amendment to the capital programme where actions need to be taken. The area of focus commentary highlights the achievement of any milestones or potential risks affecting the delivery of outcomes.

OTHER OPTIONS CONSIDERED – N/A

DN.122 **NORTH EAST LINCOLNSHIRE LOCAL PLAN 2013 TO 2032**

Cabinet considered a joint report from the Portfolio Holder for Energy and Environment and the Portfolio Holder for Regeneration, Assets, Skills and Housing on the adoption of the 2013 to 2032 North East Lincolnshire Local Plan (2018), incorporating the Main Modifications put forward by the Planning Inspector in their report.

RESOLVED –

(1) Cabinet declared that the 2013 to 2032 North East Lincolnshire Local Plan to be adopted is the local plan submitted on 22 December 2016 and as set out in Appendix A of this report; as amended by the schedule of Main Modifications recommended by the Local Plan’s Inspector set out at Appendix B of the report now received.

- (2) That authority be delegated to the Director of Economy and Growth in consultation with the Portfolio Holder for Energy and Environment and the Portfolio Holder for Regeneration, Assets, Skills and Housing to issue the adoption statement and final Sustainability Appraisal Report on or before 30 March 2018 in accordance with regulations 17 and 26 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended).**
- (3) That authority be delegated to the Director of Economy and Growth in consultation with the Portfolio Holder for Energy and Environment and the Portfolio Holder for Regeneration, Assets, Skills and Housing to make further minor modifications to the Plan prior to it being published, where these modification are confined to the correction of typographical errors, amendments to paragraph reference numbers, and consequential cross referencing and minor amendments.**
- (4) That the Policies Map be amended in accordance with Appendix C of the report now submitted, to reflect the new Local Plan 2013 to 2032.**

RECOMMENDED TO COUNCIL - That the 2013 to 2032 North East Lincolnshire Local Plan (2018) be adopted in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004.

REASON FOR DECISION –

Whilst the Council has a number of ‘saved policies’ from the previously adopted 2003 Local Plan, this plan is no longer up to date or compliant with national policy. As a result it is not effective in providing the development plan needed for the Borough. It is therefore important that the new Local Plan is adopted to provide a clear and robust development plan to enable the effective planning and direction of growth of the Borough.

In line with recommendation 1, this recommendation clarifies precisely the documentation that is to be adopted and that will be brought together to form the adopted Local Plan.

The schedule of Main Modifications includes those that are specifically recommended by the Inspector. These are modifications that she considers are necessary to make the Local Plan sound. They were subject to consultation in October 2017. Following the consultation the Inspector has made some changes to the schedule to take on board representations received.

In addition to the main modifications, the Council has previously set out and made available during consultation on the main modifications, a number of minor modifications that are either consequential on the Main Modifications or are of a nature whereby they do not change the meaning of the Plan or its proposals. The minor modifications cannot therefore be

amendments to the wording of policies and should be confined to minor changes within the explanatory text and the justification text of the Plan.

Under the Town and Country Planning (Local Planning) Regulations 2012 (as amended), the Council is required to prepare an adoption statement as soon as practicable after the adoption of the Local Plan and this should be published alongside the Local Plan and the final Sustainability Appraisal Report. In order to allow time for officers to compile this document following adoption, it is proposed that these documents be made available on the Council's website by 30 March 2018.

In compiling a complete and final version of the Local Plan, it is possible that further minor typographical errors will be identified. It is also possible that to enable appropriate referencing of policies and paragraphs that the numbering and cross referencing will need to be amended. This recommendation provides delegated authority to the Director of Economy and Growth to make these further minor amendments prior to the publication of the final adopted version of the Local Plan.

The Policies Map has not specifically formed part of the scope of the Local Plan examination in public, although the examination and Inspector's Report (Appendix B) have made reference to it as it provides one of the key tools to illustrate the Plan's policies and proposals. At the present time, it is necessary to update the Policies Map to provide an accurate and consistent illustration of the Local Plan's policies and proposals. Appendix C shows the Policies Map (as it will be amended by the Main Modifications).

That the decision of Cabinet is ratified by Full Council in accordance with the Council's Constitution.

OTHER OPTIONS CONSIDERED –

Section 23(4) of the Planning and Compulsory Purchase Act 2004 makes it clear that local authorities can only adopt the local plan and associated modifications, if the Planning Inspector recommends the modifications. In other words it is not possible to make any modifications that are not part of the Inspector's Main Modifications. Therefore, at this stage in the local plan process, the only alternative option is not to adopt the Local Plan. The implications of this would be:

- Planning decisions would need to be made without the Plan's policy framework;
- Work on a new local plan would need to be started; and,
- The considerable amount of time and cost spent to date would have been wasted.

It is important to note that it is not possible to adopt the Local Plan in part; nor, is it possible to make any modification to the Plan that would impact

on its meaning. Only minor modifications to the Plan can be made where this relates to errors, spelling or grammar.

The Council could choose not to accept the recommendations of the Inspector. However, this would mean the Local Plan would be unsound, leaving the Council with no adopted Local Plan and open to more speculative applications for development, over an extended period until an alternative local plan could be prepared.

Therefore no other options have been considered as the recommendations set out in the Inspector's Report are considered necessary in order to make the 2018 Local Plan sound.

DN.123

HOUSING STRATEGY 2018-2022

Cabinet considered a report from the Portfolio Holder for Regeneration, Assets, Skills and Housing presenting a post-consultation housing strategy and action plan.

RESOLVED – That the Housing Strategy and Action Plan be approved and adopted.

REASON FOR DECISION – The adoption of this housing strategy will ensure that the council and its partners have an agreed framework and direction of travel for quantifying housing need, influencing the housing market and working with partners to address the housing needs of the area.

OTHER OPTIONS CONSIDERED – There is no longer a government requirement for local authorities to have a housing strategy, so there is an option not to state our strategic direction in a separate document. However, in view of the significance of housing as part of our ambition to create a stronger economy and stronger communities it was felt important to create a housing strategy that would ensure that all agencies have a shared focus on and responsibility for delivering the housing needs in the borough. A clearly articulated plan provides a framework against which to assess progress.

With the Local Plan moving towards adoption this is a relevant time to take stock of our housing ambitions and so it is advised that the council makes a clear expression of its intentions by approving this housing strategy and action plan.

DN.124

FUTURE DELIVERY OF EXTRA CARE HOUSING

Cabinet considered a report from the Portfolio Holder for Regeneration, Assets, Skills and Housing on the approach to the development of further extra care housing developments in North East Lincolnshire and seeking approval to progress future delivery plans.

RESOLVED –

- (1) That upon the Director of Finance, Operations and Resources in consultation with the Portfolio Holder Regeneration, Assets, Skills and Housing agreeing to the completion of land sales at the former Matthew Humberstone lower school site and the land at Winchester Avenue/Burwell Drive for the delivery of Extra Care Housing, that Option 1 as outlined in the report now submitted, be adopted as the preferred model to mitigate any risk to the Council.**
- (2) That authority be delegated to the Director of Finance, Operations and Resources in consultation with the Portfolio Holder Regeneration, Assets, Skills and Housing to carry out all ancillary matters so as to achieve recommendation 1 above, including the settlement of all terms of any transaction.**
- (3) That the Chief Legal and Monitoring Officer be authorised to sign any council documentation arising.**
- (4) That the joint North East Lincolnshire Extra Care Housing Vision and Forward View as detailed within the background papers to the report now submitted, be confirmed.**

REASON FOR DECISION – The need for Extra Care Housing (ECH) schemes to be developed locally has been agreed by North East Lincolnshire Council and North East Lincolnshire clinical commissioning group for some years and was part of the joint adult social care strategy. The first of these schemes at Strand Court, Grimsby has been running successfully since July 2015. The issues and challenges facing the development of further schemes were significant. A number of factors stalled the progress of further developments. These issues included proposed changes to housing benefits, which provoked uncertainty and made housing providers in general reluctant to commit to schemes and the need to align council services to enable the purchase of land for the developments.

These challenges are now being addressed and this report details the approach to mitigating any risk entailed in the development of future ECH schemes. This report seeks to confirm the Winchester Avenue/Burwell Drive and Matthew Humberstone former school site ECH schemes as a joint priority for the council and clinical commissioning group and to consider financial options to allow delivery of the schemes, with a view to commencing on site during spring/summer of 2018. As indicated above via the section 75 agreement between the council and CCG, both schemes will be delivered operationally through the CCG's joint venture with Ashley House plc and are supported by HCA funding allocated to Ashley House.

The clinical commissioning group and the council have formulated a joint vision for the delivery of extra care housing in the future and the report seeks the council's approval of this vision.

OTHER OPTIONS CONSIDERED – The main options for the delivery of the schemes are set out in section. The alternative would be to do no further work until final details emerge about the new housing benefit arrangements. This would not be recommended as momentum and interest from developers and housing providers would be lost. There would also be a risk to the council’s reputation and to the possibility that homes and communities’ agency (HCA) grant funding of £5.7million would be lost.

DN.125

CLIMATE LOCAL AND ENVIRONMENT POLICY ANNUAL REPORT

Cabinet considered a report from the Portfolio Holder for Energy and Environment setting out progress against the actions being undertaken locally to reduce carbon emissions and respond to changes in the climate within our own operations, our services and with our local community.

RESOLVED –

- (1) That the overall progress on management and stewardship of the environment be noted and the revised Climate Local Commitment action plan as set out in Appendix A of the report now submitted, be approved.**
- (2) That the comments of the Economy Scrutiny Panel included in the report now submitted, be considered.**
- (3) That the inclusion of air quality commitments within the Climate Local Commitment action plan, be approved.**

REASON FOR DECISION – Cabinet are asked to approve (and publish) the revised set of commitments and progress on climate change. This is a requirement of previously signed Climate Local Declaration.

OTHER OPTIONS CONSIDERED –

Do nothing option – should no resource or further work be undertaken the Council will be unlikely to achieve its related identified outcomes and priorities in relation to the environment and energy, strong economy and sustainable communities. In addition the Council would fail to demonstrate compliance in its duties and obligations in respect of the environment.

All options and actions generated to date will be picked up and included as part of the longer term delivery plan development. Only high level & existing commitments have been captured in this report.

DN.126

SMARTER NEIGHBOURHOOD NEXT STEPS

Cabinet considered a joint report from the Portfolio Holder for Energy and Environment and the Portfolio Holder for Safer Communities and Public

Protection considering the next steps for the Smarter Neighbourhoods Programme in terms of progressing key environmental issues which are of high importance to our community in a second priority work programme.

RESOLVED –

- (1) That the key areas of work identified in the second Priority Work Programme at Appendix 1 of the report now submitted, be approved and the matters set out below, be referred to the Communities Scrutiny Panel for consideration, ahead of a further report making recommendations back to Cabinet in June 2018;**
 - a. The development of an integrated Waste Management Strategy to improve recycling, reduce waste production and to achieve the best value from the current waste disposal contract, including consideration of a separate collection of food waste, charges and the impact of a commercial waste collection and disposal service.**
 - b. A review of the street cleansing and litter bin service changes to further optimise use of resources.**

- (2) That authority be delegated to the Director for Finance, Resources and Operations, in consultation with the Portfolio Holder Energy and Environment and the Portfolio Holder Safer Communities and Public Protection, to carry out the necessary actions to implement Phase 2 of the priority work programme, apart from the matters referred to in Recommendation (1) above.**

REASON FOR DECISION –

The proposals outlined within the report support the Council's key financial objective to achieve efficiency savings whilst targeting and focussing resources to where they will make the most difference. Approval of proposals to re-shape in-house services will contribute to the Council's key financial objective of financial sustainability.

Taking a phased approach will allow the Council additional time to undertake a further commissioning review of longer term delivery options to secure the councils intended outcomes.

Changes in waste collection to alternate week arrangements were introduced in November 2017 and in the Summer of 2017, street cleansing working patterns were changed to focus available resources from Monday to Friday. It is accepted that in making these changes there is some short term impact on the quality of service delivery. There is a need to improve other areas of the waste service such as the bulky waste collection and to engage further with our communities to promote responsible behaviours such as recycling behaviour and to discourage

the minority of our resident who feel they can fly tip without fear of consequence.

Clearing littering, fly tipping and extra waste next to the bin (side waste) creates additional demand on the resources required to deliver planned programmes of work, such as street cleansing and litter bin management and resources to deliver programmes of work are being diverted to deal with the increased demand. This means that programmes of planned work cannot be completed and this is having a knock on impact on service delivery.

In order to reduce the pressure on these essential services, the next phase of the Smarter Neighbourhood Programme focusses on investment in areas of the service which need improvement and in community education and enforcement to reduce demand by changing behaviours to reduce fly tipping and increase recycling behaviours.

Since the introduction of alternate week collections, there are already changes in levels of recycling. December saw lower levels of waste presented and higher levels of recycling. This trend needs to continue to reach our targets but it's clear that households are trying to reduce the amount of waste they produce. As recycling continues to improve, the Council wishes to invest in improving recycling services at the kerbside to give those who are doing all they can to recycle more opportunity and capacity to recycle more. Any investment will be piloted and evaluated before final decisions are made.

Further work to identify the balance of savings required is included in the priority work programme in line with in principle decisions. This includes more detailed work in areas of regulatory services as any service reductions need to be carefully balanced against community need and statutory requirements. It is clear that the budget envelope cannot be achieved through efficiencies alone and therefore the service also needs to increase income to support essential services. New income streams and a more commercial approach will be explored as part of the waste strategy work.

The project team continues to explore and develop additional in-house and alternative re-commissioning options to identify saving opportunities for 2018/19 and future reports will be made to Cabinet regarding the outcome of future commissioned options and savings proposals for 2018/19 and beyond.

OTHER OPTIONS CONSIDERED –

Do nothing option - The pressures on the service for additional services related to housing growth and the bedding in of the waste collection services, means that doing nothing will not achieve the standard and level of service expected. This option was rejected as it would not achieve the level of service or the efficiency savings target required for 2018/19 and beyond.

Alternative Option 2: No Priority Work Programme proposal - The programme proposed at Appendix 1 has been developed in consultation with the scrutiny working group and the project transformation board and represents the best next steps for the programme. A focused approach has worked in 2016/17 and 2017/18 to create a cross council focus and thus speed up delivery of changes and so not identifying a second work programme was rejected.

DN.127

PROCUREMENT OF SPECIAL EDUCATION NEEDS ADVICE AND INFORMATION SERVICE (SENDAISS)

Cabinet considered a report from the Portfolio Holder for Children and Young People requesting authorisation for the procurement and delegated powers award of the SENDAISS service contract.

RESOLVED –

- (1) That authority be delegated to the Director of Children’s Services in consultation with the Portfolio Holder for Children and Young People to commence a procurement exercise for the Special Education Needs Advice, Information and Support Service (SENDIASS) as set out in the report now submitted.**
- (2) That authority be delegated the Director of Children’s Services in consultation with the Portfolio Holder for Children and Young People to award such a contract**
- (3) That authority be delegated to the Monitoring Officer to execute all documentation in connection with the award.**

REASON FOR DECISION –

Recommendation 1 - It is a fit with NELC commissioning priorities shown in Appendix 1.

Recommendation 2 - North East Lincolnshire Council (NELC) has regulatory duties in respect of commissioning SENDIAS services, covered under statutory guidance within the SEND Code of Practice 2015.

Recommendation 3 - The services must be commissioned (although provided at ‘arm’s length’) by NELC and need to be operational by 30th September 2018. The recommendations put forward are the options that are considered to represent the best way of achieving value for money.

OTHER OPTIONS CONSIDERED –

Joint commissioning approach with North Lincolnshire Council (NLC). This option was considered but it was concluded that the small budget, models of delivery, and the differing education/schools environments in

both boroughs as well as the need for a local presence, meant there was little opportunity or common ground on which to base a joint commissioning at this point. However, we will remain in contact with NLC for future exercises when co-commissioning may prove viable.

Providing the service in-house.

This option was considered and discarded at a very early stage for SENDIASS as options analysis concluded providing SENDIASS in-house would be a conflict of interest. The service must operate independently of NELC at 'arms-length'.

DN.128

DISPOSAL OF PROPERTY AT LESS THAN BEST CONSIDERATION - LEASE DISPOSAL OF THE BERT BOYDEN CENTRE

Cabinet considered a report from the Portfolio Holder for Finance, Community Assets, Governance and Tourism seeking authority to dispose, by way of a 25 year lease, the subject premises; namely the Bert Boyden Centre, Immingham.

RESOLVED –

- (1) That the granting of a lease to the Arts, Regeneration, Culture and Heritage Limited (ARCH) Group of the subject premises for a term of 25 years at a peppercorn rent (£1 per annum if demanded), be approved.**
- (2) That authority be delegated to the Director of Finance, Resources and Operations, in consultation with the Portfolio Holder for Finance, Community Assets, Governance and Tourism responsibility to ensure that all necessary actions are carried out in order to complete and approve the detailed terms of the lease disposal.**
- (3) That authority be delegated to the Chief Legal Officer to complete all requisite legal documentation in relation to the matters outlined above.**

REASON FOR DECISION – A proposal has been received by ARCH which has been considered as part of the Council's approach to Community Asset Transfers (CAT). The proposal has been agreed in principle which could result in the transfer of the subject premises to ARCH by virtue of a 25 year lease. The lease would continue to support the current management and operation of the premises by ARCH who have demonstrated, through a detailed Business Case that their proposal is sustainable and viable over the term of the lease and ensures there is no cost associated with the proposal of the premises to the Council.

OTHER OPTIONS CONSIDERED –

To do nothing would see the current management activities continue with restrictions for the Group resulting in a limited offer and inflexibility in

meeting the demands of users and the wider public. This will result in a negative impact to both the Group and community. ARCH have presented a robust case which meets this demand and offers extensive social return on investment to ensure a longer term lease will support continued use of the premise. The Council risk unnecessary and negative publicity as well as potentially being wholly liable for the premise, together with all future associated expenditure without the opportunity to invest or expand the current use and activities therefore it is not considered a viable option to continue to operate the premise as currently.

The freehold disposal of the site has not been considered at this time. A leasehold arrangement is more relevant given the infancy of the Group and ensures the Council retains an element of control. This is in respect of mitigating risk in the event the proposal is no longer viable which impacts on the on-going use of the building. This would enable the Council to take action to seek alternative use or disposal of the premise and prevent any unauthorised uses, which a freehold disposal would remove.

DN.129

ADULT SOCIAL CARE QUARTERLY PERFORMANCE REPORT – QUARTER 3 2017/18

Cabinet considered a report from Portfolio Holder Health, Wellbeing and Adult Social Care presenting the quarterly Adult Social Care Performance Report for quarter 3 of 2017/18.

RESOLVED – That the content of the report be noted.

REASON FOR DECISION – Performance monitoring supports the council in delivering its strategic aims and provides assurance to the council about the discharge of its statutory responsibilities in respect of adult services.

OTHER OPTIONS CONSIDERED – None at this stage; the report format continues to be developed to improve and extend this quarterly report and to give more context.

DN.130

WRITE OFF OF UNCOLLECTABLE NATIONAL NON DOMESTIC RATES DEBTS

Cabinet considered a report from Portfolio Holder for Finance, Community Assets, Governance and Tourism seeking to write off uncollectable National Non Domestic Rates (Business Rates) debts.

RESOLVED – That the recommendation to formally write off the sum of £148,218.92 national non domestic rates debts be approved.

REASON 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 2017/18 NNDR estimates. The Council's bad debt provision has already been adjusted to reflect these debts.