



CABINET
DECISION NOTICE

Publication Date: 18th January 2018

At a meeting of the Cabinet held on 17th January 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, Hyldon-King, James, Patrick and Watson.

DN.91 **APOLOGIES FOR ABSENCE**

An apology from Councillor P Wheatley was received for this meeting.

DN.92 **DECLARATIONS OF INTEREST**

Councillor Oxby declared a disclosable pecuniary interest in item DN.96 as his wife was an employee of NAViGO, and as a member of the CCG Union Board.

Councillor Hyldon-King declared a personal interest in item DN.96 as a member of NAViGO and the CCG Board.

Councillor James declared a personal interest in item DN.96 as member of NAViGO extra.

Councillor Patrick declared an interest in item DN.96 as a member of the CCG Union Board.

DN.93

MINUTES

The minutes of the special Cabinet meeting on the 14th December 2017 were approved as a correct record.

DN.94

DRAFT BUDGET REPORT

Cabinet considered a report from the Portfolio Holder for Finance, Community Assets, Governance and Tourism setting out the draft Outcomes Framework, Commissioning Plan and Budget for the period 2018/19 to 2020/21, following receipt of the Local Government Financial Settlement from DCLG.

RESOLVED -

- (1) That the Outcomes Framework, Commissioning Plan and Budget, for the period 2018/19 – 2020/21, as detailed within Appendix 1 of the report now submitted, be noted.**
- (2) That the proposed 1.98% increase in Council Tax in 2018/19 be supported.**
- (3) That the application of an Adult Social Care precept of 3% in 2018/19 be supported.**
- (4) That the report be referred to Scrutiny and for public consultation in January 2018.**

REASON FOR DECISION - The Council must determine how it is to operate within the forecast financial resources over the next three financial years. To comply with its legal obligations, the Council must set a balanced budget for 2018/19 and provide a realistic financial forecast for the medium term financial planning period.

OTHER OPTIONS CONSIDERED – Option appraisal has been undertaken in setting both the revenue and capital budgets. A range of options will be considered when considering service delivery within defined financial resources to support the delivery of a balanced budget in 2018/19.

PROCUREMENT OF LONG TERM DEVELOPMENT PARTNER FOR HOUSING ZONE SITES VIA THE HOMES AND COMMUNITY AGENCY DELIVERY PARTNER PANEL 3 PROCESS

Cabinet considered a report from the Portfolio Holder for Regeneration, Assets, Skills and Housing on the procurement of a development partner for housing projects via the Homes and Communities Agency (HCA) Delivery Partner Panel (DPP3) process.

RESOLVED –

- (1) That authority be delegated to the Director of Economy and Growth, in consultation with the Portfolio Holder for Regeneration, Assets, Skills and Housing and supported by the Regeneration Partnership to commence procurement of a Lead Developer Partner through the Homes and Community Agency (HCA) Developer Partner Panel (DPP3) having regard to the following:**
 - a. Initially to incorporate all seven Council-owned sites within the DPP3 process but adopts a flexible approach to the development of the DPP3 Portfolio to facilitate the inclusion of additional sites or removal of sites in the future so far as is permitted by the DPP3 process.**
 - b. To maximise the opportunities for training, education and apprenticeships in construction, to maximise new jobs and contract or supply chain benefits for local small to medium sized enterprises (SME) led by the Lead Development Partner.**
- 2. That authority be delegated to the Director of Economy and Growth to pursue access to all relevant central government and external funding programmes to support efforts to accelerate delivery of housing on surplus Council-owned sites, subject to the usual processes for Cabinet approval for receipt of external funds and approval of Accountable Body status where required.**
- 3. That a further report be received by Cabinet from the Director for Economy and Growth prior to any award arising out of Recommendation 1 above, detailing the outcome of the tender appraisal process, setting out an Officer recommendation to appoint a Lead Development Partner and providing all other relevant supporting information, including a detailed assessment of the financial implications for the Council.**

REASONS FOR DECISION – The Council requires a Lead Development Partner, working with local SME housebuilders and other partners, to

accelerate housing delivery in North East Lincolnshire. The current sites identified are either underused or are identified for disposal. Adopting a flexible approach to procurement via the DPP3 process will ensure that these opportunities are fully maximised to get the best deal for the Borough taking all relevant factors into account.

Offering via a competitive tender a single Borough-wide portfolio of approximately 22.42 hectares of development land, with the aim of appointing a single Lead Developer Partner (LDP), is considered a timely and effective option for the Council to achieve key outcomes including accelerating housing delivery and facilitating neighbourhood regeneration.

OTHER OPTIONS CONSIDERED –

Other options considered include:

- Dividing the portfolio of 22.42 hectares of development land into lots and offering these to the market; and
- Offering each site to the market separately through individual competitive tender exercises.

Whilst it is acknowledged that both options would provide an opportunity for small/medium-sized developers to acquire development opportunities, they would not provide the Council with the opportunity to manage and influence the phasing, quality and mix of tenure across the portfolio as a whole.

These options would also reduce the scope for the Council to facilitate cross-subsidy of sites within the portfolio to ensure that any sites with marginal viability can come forward for development. They would also leave the Council without a strategic delivery partner when reviewing and considering future Council owned sites for housing.

In summary these options would increase overall complexity and management burdens within the regeneration partnership. They are considered less likely to deliver the Council's overall aims and Outcomes. Using smaller developers, on a more ad-hoc basis increases risks of financial burden to the Council which may have to buy back land if and where delivery failed.

DN.96

MENTAL CAPACITY ACT 2005 AND DEPRIVATION OF LIBERTY POLICY, AND BEST INTERESTS ASSESSORS' COMPETENCIES FRAMEWORK

Cabinet considered a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care presenting the revised Policy and Framework for approval.

RESOLVED –

- (1) That the Mental Capacity Act 2005 and Deprivation of Liberty Policy and the Best Interests Assessors Competencies Framework be approved and adopted.**
- (2) That authority be delegated to the Director of Adult Services, in consultation with the Portfolio Holder for Health, Wellbeing and Adult Social Care, to revise from time to time and as necessary, the tools/guidance outlined in the appendices of the Policy now received.**

REASONS FOR DECISION – Via an agreement under s75 of the National Health Service Act 2006, the Council delegated adult social care responsibilities to the CCG, and the CCG delegated some children's health functions to the Council. The Council and the CCG commission a number of care delivery partners to deliver health and social care functions; each of the Council and CCG commissions such functions on its own behalf, and on behalf of the other, acting as delegate. In addition to commissioning care and treatment, both the Council and CCG deliver some services and support.

Whilst the Council retains statutory responsibility for functions under the MCA which it has delegated to the CCG (most notably acting as supervisory body under the DoLS), local arrangements for authorising deprivations of liberty are managed jointly by the Council and CCG, with the DoLS Team at focus independent adult social work (focus).

As the Policy and Framework are joint Council/ CCG documents, approval is required from both. The CCG's Integrated Governance and Audit Committee approved the Policy and the Framework on 1st December 1st December 2017.

OTHER OPTIONS CONSIDERED –

None. The Council and CCG are expected to evidence their approach to ensuring legally compliant practice. The Policy and Framework offer the most expedient way of doing so.

DN.97

PROCUREMENT OF MOBILE VOICE AND DATA SERVICES

Cabinet considered a report from the Portfolio Holder for Finance, Community Assets, Governance and Tourism seeking agreement to commence a procurement exercise for a replacement Mobile, Voice and Data services contract.

RESOLVED –

- (1) That the authority be delegated to Director of Finance, Resources and Operations in consultation with the Portfolio Holder**

for Finance, Community Assets, Governance and Tourism to commence a procurement exercise for a replacement Mobile, Voice and Data contract as set out in the report now submitted.

(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 to award such contract.

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

REASONS FOR DECISION – The recommendations of this report will allow for the procurement to be commenced for the replacement Mobile, Voice and Data contract for an award decision to be made. This will allow time to complete the procurement and award the new contract in March 2018 ready for implementation in June 2018

OTHER OPTIONS CONSIDERED – The Council considered conducting its own further competition through the CCS Network Services (RM1045) framework, however, this would not enable the Council to take the advantage of combining its volumes with other public bodies to achieve a better price.

The Council considered running a further competition without accessing the CCS Network Services (RM1045) framework, however, in addition to not achieving increased savings through larger volumes, this would put additional pressure on Council resources because of the additional time and resource required to undertake the procurement itself, and develop specific terms and conditions, which have already been pre agreed by suppliers on the CCS framework.