



**CABINET**  
**DECISION NOTICE**

Publication Date: 29<sup>th</sup> September, 2016

At a meeting of the Cabinet held on 28<sup>th</sup> September, 2016 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 Hyldon-King, Patrick, Watson and Wheatley.

DN.42 **APOLOGIES FOR ABSENCE**

There were apologies received from Councillor Chase and James.

DN.43 **DECLARATIONS OF INTEREST**

Councillor Oxby declared a personal and prejudicial interest in DN.48 as he was currently the president of the Grimsby and Cleethorpes District Table Tennis Association.

DN.44

### **SMARTER NEIGHBOURHOOD SERVICES REVIEW**

Cabinet considered a report from the Portfolio Holder for Energy and Environment and the Portfolio Holder for Safer Communities, Public Protection and the Visitor Economy on the transformation of Neighbourhood Services.

#### **RESOLVED –**

- (1) That the Review of Operations and Making Waste Pay Projects be simplified and streamlined into one project; The Smarter Neighbourhood Services Project with two phases of commissioning.**
- (2) That the key areas of work set out below, be approved;**
  - a. The re-design of the recycling collection by the reduction of collection frequency of the recycling box collection from weekly to fortnightly with planned implementation as early as possible in 2016.**
  - b. The reduction of the subsidy on garden waste with an increase in the garden waste charges from the current charge of £30 per annum to £35 per annum from 1<sup>st</sup> April 2017**
- (3) That the exploration of a shared service option, where there be shared benefits, particularly in regard to a shared service approach to fleet services and commercial waste collections, be approved in principle and that a further report be received regarding the outcome of negotiations.**

REASONS FOR DECISION – The proposals outlined within the report support the Council's key financial objective to achieve efficiency savings. 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 Council's intended outcomes.

The Weekly Collection Support Scheme increased the frequency of collections of dry recycling from fortnightly to weekly in October 2013 and committed to maintain weekly collections of residual waste until November 2017. The increased frequency of dry recycling collection was expected to deliver an improvement in dry recycling performance.

In 2011/12, prior to the introduction of weekly collections of waste and recycling, recycling performance was at 33.5% including 16.17% dry recycling (not garden waste). In 2013/14 the dry recycling performance was at 16.37% and in 2015/16 was at 17.06%. The increase in frequency of dry recycling collection has not achieved the expected improvement in dry recycling performance and does not represent value for money.

The Weekly Collection Support Scheme funding comes to an end in December 2016, however, the obligation to continue with weekly collections remains in place until November 2017. The Council was able, however, in advance of that date, to review other aspects of the collection methodology in response to emerging budget pressures.

Given that the weekly dry recycling collection has not achieved the expected increase in dry recycling performance, a reduction to a lower collection frequency will reduce the cost per tonne of recycling collected as more material is put out for the fortnightly collection per participating household, making the service more efficient. Fortnightly collections of recycling were provided in North East Lincolnshire Council without issue up until September 2013, so it is expected that a return to the previous recycling collection frequency using existing boxes, will be manageable for residents.

The loss of grant in December 2016 will introduce a budget pressure of £130,000 in 2016/17 and then an annual budget pressure of £870,000 from 2017/18 onwards. Changes in the recycling market have meant a reduction in income achieved for the Council from the sale of collected recycled materials. This introduces another in year budget pressure. This was in addition to the saving target of £2.650m from Neighbourhood Services.

Whilst it was possible to use more of the one-off income from the Newlincs contract extension in 2016/17 to meet the additional budget pressure, this creates additional saving requirements in 2017/18 and future years. As the recycling income shortfall is expected to continue and the loss of grant continues from 2017/18, it is prudent to seek revenue savings which can be realised in this year to bridge the gap rather than to rely on the one-off Newlincs contract income.

The options identified in Appendix 1 of the February 2016 Cabinet Report, consider frequency of collection of recycling and size and type of container. If recycling collection frequencies are reduced and the boxes retained, there was a clear cost saving and minimum capital cost. This takes into account a reduction in recycling performance and recycling tonnage from households which will be mitigated through the provision of additional recycling boxes to households free of charge. Bring sites and recycling centres were also available for residents with extra recycling.

The proposal to reduce recycling collection frequencies from October 2016, was an interim cost saving measure, pending the wider overall re-design of the waste and recycling collection service in 2017/18. The

overall design of the residual waste and recycling offer was still being explored and as yet no recommendations have been made, however, decisions must be taken in 2016/17 to allow adequate time to implement the new waste and recycling collections.

Take up of the charged Garden Waste collection service was on target to achieve the required level of subsidy reduction so it was a service clearly valued by residents. The proposal to increase the charge from April 2017, further reduces the subsidy for this service. It was expected that given the current level of demand, the proposed increase will still provide a value for money service for the community and help the Council to work towards total cost recovery. The Garden Waste service was a discretionary service costing £1.2million per year. The charges introduced have reduced that subsidy to £400,000 per year. The proposal to increase the charge was expected to reduce the subsidy by a further £134,000 per year based on the assumption that 26,700 properties would take up the service at the new level of charge.

**OTHER OPTIONS CONSIDERED – Do nothing option.** This option was rejected as it would not achieve the efficiency savings target required for 2016/17 and beyond.

**Alternative Option One.** Delayed any return to fortnightly collections of dry recycling until the overall service re-design was decided.

Whilst this option avoids the need to engage with residents twice, delaying the implementation of the new recycling service delays making efficiency savings as early as possible so that longer term, the savings required may increase.

**Alternative Option Two.** Maintain the current level of garden waste charges. This option was discounted as the subsidy of the service by the Council would not be reduced.

DN.45

### **GREEN SPACE STRATEGY**

Cabinet considered a report from the Portfolio Holder for Energy and Environment and the Portfolio Holder Safer Community, Public Protection and the Visitor Economy on the refreshed Green Space Strategy.

#### **RESOLVED –**

- (1) That the refreshed draft Green Space Strategy for 2016-21 be approved and the document be referred to the Regeneration, Environment and Housing Scrutiny Panel for consideration.**
- (2) That an annual progress report be received as part of monitoring and reviewing the Green Space Strategy.**

REASONS FOR DECISION - The approval of the refreshed strategy enables the Council and its partners to continue addressing both land uses and land management in respect of open spaces within the Borough. Good quality open spaces can make a significant contribution towards healthy living. Green spaces have a positive effect on the health of the population helping to reduce stress, provide formal and informal opportunities for physical activity, sport and play and provide environments for relaxation.

OTHER OPTIONS CONSIDERED - Option One. Do nothing. This was not an option as the strategy requires a refresh to ensure it remains relevant for the period 2016-2021. The Regional Spatial Strategy was revoked in February 2013. A refreshed and up to date Green Space Strategy is used to inform the development of the Local Plan with regards to setting out a clear commitment to developing high quality green spaces. It identifies the need to work with developers to maximise contributions and commit to providing quality green spaces.

DN. 46

### **HOUSING ASSISTANCE POLICY**

Cabinet considered a report from the Portfolio Holder for Energy and Environment and the Portfolio Holder for Regeneration, Skills and Housing on the changes to the current Housing Assistance Policy.

#### **RESOLVED – That the amendments to the Housing Assistance Policy be approved.**

REASONS FOR DECISION - If the recommended amendments were approved, the Council would thereby enable residents to access funding to provide energy efficiency measures in their homes using the Energy Repayment Loans, which are repayable.

OTHER OPTIONS CONSIDERED - Option One. To introduce amend the Private Sector Assistance Policy and introduce a new Energy Repayment Loan. Introduce the Energy Repayment Loan product to provide a new tool for the Council to tackle fuel poverty and also enable the council to access recycled regional loans monies currently estimated to be £23k per local authority. If each loan was an average of £1000 (one thousand pounds) and repaid over a 36 repayment period then over 60 loans over a 5 year period could be issued. If additional money was provided by the Council using the recycled grants and loans pot then more loans can be offered.

Option Two. 1Not to introduce the new repayment loan. There were currently no schemes available within the current Housing Assistance Policy that are directly aimed at tackling Fuel Poverty. The Government Energy Company Obligation (ECO) scheme provides some financial support. However with ECO funding there is often a gap between the cost of the works and the amount of funding provided. The ERL can help bridge the gap enabling externally funded schemes to be maximised within North East Lincolnshire.

In addition, introducing the loans gives the Council an opportunity to offer a repayable energy efficiency finance product. Other finance products available within the policy were grants that were repayable if the improved property was sold within ten years.

DN. 47

### **LOCAL PLAN**

Cabinet considered a report from the Portfolio Holder for Energy and Environment and the Portfolio Holder for Regenerations, Skills and Housing seeking additional consultation on the extended evidence base for the draft pre-submission Local Plan.

#### **RESOLVED –**

- (1) That the publication of the updated and additional evidence in support of the Pre-Submission Draft Local Plan (2016) in order that public consultation can be undertaken, over a period of four weeks commencing Monday 3 October be approved.**
- (2) That the updated Sustainability Appraisal (2016) and Habitats Regulations Assessment (2016) in order that public consultation recommended above can be undertaken and approved.**
- (3) That the preparation of a report to full Council, on completion of the consultation process recommended above, seeking approval to submit the Pre-Submission Draft Local Plan (2016), evidence base, representations made and all other associated documents, to the Secretary of State for examination in accordance with the approved Local Development Scheme be authorised.**

REASONS FOR DECISION - The Council has a statutory duty, as a local planning authority, to prepare and maintain an up to date 'Development Plan' or 'Local Plan'. Undertaking public consultation is an important and integral element of the plan's preparation. Undertaking further consultation now will enable the Council to meet the timetable, as previously agreed by Cabinet, and ensure the most up to date information is submitted to Government for examination, whilst providing the opportunity to make further representations on the basis of the new evidence. Submitting the Local Plan following the further round of consultation will enable the Council to meet the timetable, as previously agreed by Cabinet to prepare a new Local Plan for the Borough as quickly as possible and, to meet the statutory requirements set out in the

Town and Country Planning (Local Planning) (England) Regulations 2012.

OTHER OPTIONS CONSIDERED - The Planning and Compulsory Purchase Act 2004, Localism Act 2011, associated regulations and guidance, require that a local plan undergoes periods of consultation in order to gain agreement on the approaches it sets out. The Council could submit the Local Plan for examination without undertaking the further evidence consultation however, to do so increases the risk to the examination process. In particular in respect to the suspension of the examination in order for the consultation to be undertaken at that time.

DN. 48

**DISPOSAL OF PROPERTY AT LESS THAN BEST CONSIDERATION  
– LEASE OF SPORTS HALL, CLEE FIELDS, LADYSMITH ROAD,  
GRIMSBY.**

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Inclusion on the disposal to a tenant who currently holds a lease at Clee Fields, Ladysmith Road, Grimsby.

**RESOLVED –**

- (1) That Clee Field Management Co. Ltd (“the Provider”) be granted a lease of the subject property for a term of 25 years at peppercorn rent (£1 per annum if demanded); and**
- (2) That the Director of Finance, Resources and Operations, in consultation with the Portfolio Holder for Finance, Resources and Inclusion be delegated responsibility to ensure that all necessary actions be carried out in order to complete and approve the detailed terms of the disposal;**
- (3) That the Chief Legal Officer be authorised to complete all requisite legal documentation in relation to the matters outlined above.**

REASONS FOR DECISION - The subject property was currently leased to a tenant as part of an earlier decision by the council to withdraw direct delivery of services. Due to the length of lease remaining (8 years'), the current committee members have requested a new term of 25 years to ensure the longer term sustainability and continued use was protected which would benefit the use by the Provider and wider Community should the property be extending or enhanced during this proposed lease term.

OTHER OPTIONS CONSIDERED - To do nothing would see the current lease running to the end of its term, at which point the council would need to consider this proposal. As the current tenant has the appetite to renew the lease now, it was not considered a viable option as at the end of the

current lease term the council could become wholly liable for the property together with all future associated expenditure.

The freehold disposal was not considered appropriate at this time as there was the wider site to consider and the council will continue to have the ongoing requirement to provide sporting provision. There was a need to support the proposal by way of a lease to ensure the use of the facility continues. Should the property become vacant and unused in future, the council retains an element of control in respect to future action to prevent any unauthorised uses, and could if it was deemed appropriate, be in a position to progress a freehold disposal in future.

DN. 49

### **PRELIMINARY MARKET CONSULTATION AND PROCUREMENT OF ICT SYSTEMS**

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Inclusion on the review of a range of IT systems and contracts.

#### **RESOLVED –**

- (1) That the preliminary market consultation activity described in this report be completed and that the strategic commissioning lead, the Director of Finance, the Director of Children’s Services, the Shared Services Joint Committee and the Portfolio Holder for Finance, Resources and Inclusion determine where procurements be required, be approved.**
- (2) That the principle of the procurements being undertaken with North Lincolnshire Council for Shared Services and other councils and/or other regional local authorities and or other public bodies, where we collectively determine that collaborative procurement would be in the best interests of the council(s) be approved.**
- (3) That where procurements be required, permitting the release of EU-compliant procurement tender processes, with the intent of identifying systems providers; contracting for terms considered commercially reasonable, dependent upon PMC feedback and client intent be approved.**
- (4) That in the event of a procurement, the award of contracts to the successful systems provider(s) be delegated to the Monitoring Officer, be approved.**

REASONS FOR DECISION - Having a shared service with North Lincolnshire which includes human resources finance and ICT, and with a fundamental pillar of the ICT strategy being to align systems across both councils wherever practicable, we endeavour to undertake joint procurements wherever possible. The shared service arrangement



requires all of its officers to be able to work at and on behalf of either council. To do this in the most effective and efficient way, it was essential that all key systems were shared and set-up using identical usage principles.

Multi-agency working was critical to improving the experience of children and young people in service. Having a single solution for case management for Northern Lincolnshire will help cross-border engagement and reduce the number of systems with which other partners need to interface. Local authorities were required to demonstrate best value when spending public funds the Local Government Act and the Public Contracts Regulations 2015 (PCR) both stipulate the need to undertake procurement processes to demonstrate value for money.

OTHER OPTIONS CONSIDERED - Do nothing and remain with non-rationalised systems with expiring contracts. Decide which out of NLC/NELC's approach was, on balance the better approach and negotiate an extension to that contract to cover both councils for a longer period of time. Both councils could procure independently and continue to operate without securing the business efficiencies.

DN.50

**THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015, STATEMENT OF PRINCIPLES FOR DECIDING FINANCIAL PENALTIES**

Cabinet considered a report from the Portfolio Holder for Regeneration, Skills and Housing on the principles that North East Lincolnshire Council will apply in exercising its powers under the Smoke and Carbon Monoxide Alarm Regulations 2015 to require landlords to pay a financial penalty.

**RESOLVED –**

- (1) That the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 in accordance with the principles and financial penalty levels set out in this report be implemented.**
- (2) That authority be delegated to the Monitoring Officer, in conjunction with the Portfolio Holder for Regeneration, Skills and Housing, the Director of Economy and Growth and the Deputy Monitoring Officer to incorporate the approach to these Regulations with the Council's broader enforcement activity and to make any consequent amendments to the Council's Services Agreement with ENGIE that may be necessitated accordingly.**

REASONS FOR DECISION - By approving the proposal, North East Lincolnshire Council will exercise its right to use the current regulations to its best potential, offering landlords a fair and transparent approach.

OTHER OPTIONS CONSIDERED - Option One: Do nothing – The Council was at risk of not meeting its regulatory requirements and leaving vulnerable tenants at risk.

Option Two: Charge the Maximum £5,000 for each offence. It could be deemed as unfair. There was no encouragement for first time offenders or encouragement to pay the fine in a timely manner, to save chasing future debts or legal action.

DN. 51 **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 3 of Schedule 12A of the Local Government Act 1972 (as amended)**

DN. 52 **JOINT PROCUREMENT OF INTEGRATED SEXUAL HEALTH SERVICE FOR NORTH AND NORTH EAST LINCOLNSHIRE COUNCILS.**

Cabinet considered to receive a report from the Portfolio Holder for Health, Wellbeing and Adult Social Care on integrated sexual health service for North And North East Lincolnshire Councils.

**RESOLVED –**

**(1) That approval be granted to proceed with a procurement process which is compliant with the Contract Procedure Rules and the Public Contract Regulations 2015.**

**(2) That the decision to award a new integrated sexual health service on behalf of North East Lincolnshire Council be delegated to the Director of Public Health in consultation with the Portfolio Holder for Health, Wellbeing and Adult Social Care and the Chief Legal Officer and Monitoring Officer.**

REASONS FOR DECISION – Genito Urinary Medicine (GUM) and Contraception and Sexual Health (CaSH) were statutory services and the contracts will be funded wholly from the Public Health budget allocation.

In order that new contracts can be put in place and can commence 1<sup>st</sup> October 2017, it was essential that a decision was made to award the tender at the earliest opportunity following evaluation.

Responsibility for commissioning Contraception and Sexual Health Services (excluding Termination of Pregnancy) transferred to North East

Lincolnshire Council in April 2013. A review of needs and outcomes will be completed mid-September, which will inform the new service specification, and provide a sexual health Improvement plan for the area (available October 2016).

Following this engagement with the public, partners and stakeholders, and to ensure that a revised service demonstrates the best value for money, it will be essential to test approaches to delivery of the proposed model in a competitive market.

There was evidence from sexual health commissioning elsewhere and from local experience of the current service that a jointly commissioned service, albeit with local variation to meet specific local priorities, gives greater scope for cost efficiencies in relation to provider overheads, particularly in relation to some of the more complex clinical leadership. The recommendation to be part of a collaborative procurement exercise seeks to ensure that North East Lincolnshire is best placed to continue to benefit from this, and to test/demonstrate this benefit in the marketplace.

**OTHER OPTIONS CONSIDERED** - Do not procure the replacement service. Since the Health and Social Care Act (2012), the commissioning responsibility and accountability for sexual health is shared amongst a number of different organisations (Councils, CCG's and NHS England). The commissioning responsibility for local authorities is to provide comprehensive sexual health services including:

- Contraception included LESs (implants) and NESs (intra-uterine contraception) and all prescribing costs, excluding contraception provided as an additional service under the GP contract;
- Sexually transmitted infection (STI) testing and treatment, chlamydia screening as part of the National Chlamydia Screening Programme (NCSP) and HIV testing;
- Sexual health aspects of psychosexual counselling; and
- Any sexual health specialist services, including young people's sexual health and teenage pregnancy services, outreach, HIV prevention and sexual health promotion, services in schools, colleges and pharmacies.

The option of extending the current contract for each Council for a further final 6 month period was considered, however both Councils agreed not to utilise the available extension period, and to jointly re-commission a new service which was in line with the updated national specification due out in October 2016 and the vision of NHS England and Public Health England's 'making it work'. The objectives being to improve the patient experience, streamlined, seamless and practicable patient pathways across the sexual health system, and greater economies of scale that

provide both efficient and effective service provision with robust clinical governance.

Award of this contract constitutes a key decision. However, in terms of the decision to award, time is of the essence and needs to be made as soon as possible following the completion of the evaluation. The governance timescales for getting a report to cabinet, and getting a decision would delay award, and potentially lead to a break in service provision.

DN.53

### **APARTMENT BLOCK AT CONVAMORE ROAD, GRIMSBY**

Cabinet considered a report from the Portfolio Holder for Regeneration, Skills and Housing on an opportunity to develop a block of single bed apartments on a plot of land on the corner of Convamore Road and Eleanor Street, Grimsby.

#### **RESOLVED –**

- (1) That the release of £1.2M to Develop NEL for the purchase of a block of 16 apartments on land on the corner of Convamore Road and Eleanor Street, Grimsby, be approved.**
- (2) That an update on key Develop NEL projects and activities be submitted to Cabinet on a quarterly basis.**

REASONS FOR DECISION - Purchase of this site for rental will support a number of council outcomes and priorities in the emerging Housing Strategy.

OTHER OPTIONS CONSIDERED - If Develop NEL do not purchase the property, the developer has indicated that they were unsure whether the project would be delivered. This would prevent regeneration and the delivery of new homes.

If the property were purchased with the intent to sell on, it was considered unlikely that the properties would sell at a pace or price that would support the current investment.

The developer has previously been in consultation with registered providers regarding talking on the property, but this has not resulted in an acceptable agreement.

The council could look to purchase the properties directly, but this would require setting up a housing revenue account, and would also require the properties being set at an affordable rent, which may not be sustainable. The properties would also be subject to the right to buy.