



**CABINET**  
**DECISION NOTICE**

Publication Date: 10<sup>th</sup> June, 2016

At a meeting of the Cabinet held on 8<sup>th</sup> June, 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 Chase, Hyldon-King, James, Patrick, Watson and Wheatley.

DN.1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received for this meeting.

DN.2 **DECLARATIONS OF INTEREST**

There were no declarations of interest in any items on the agenda for this meeting.

DN.3

### **HUMBERSTON FITTIES**

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Inclusion on the management arrangements for Humberston Fitties.

#### **RESOLVED –**

- 1) That the recommendations by Black and Veatch and the Environment Agency; namely to increase the Closed Season by two further months of each year, resulting in the overnight restriction of the months of November & December as well as January & February of each year, with immediate effect be adopted and approved.**
- 2) That as a consequence of recommendation one, the agreed set of clauses and terms within the leases be renewed and harmonised to 2021 without delay.**
- 3) That the Director of Finance, in consultation with the Portfolio Holder for Finance and Resources and the Solicitor to the Council, be authorised to approve the detailed terms of new leases.**
- 4) That the Solicitor to the Council be authorised to complete all requisite legal documentation in relation to the matters outlined in the points above.**
- 5) That discussions with Bourne Leisure as set out in section 1.28 of this report have now been completed and an agreed set of conditions in relation to the pre-emption clause have been drawn up be noted.**
- 6) That progress with the specialist agent, to advise on the disposal, is now at tender stage - as outlined in section 1.29 of this report be noted.**
- 7) That responses to the earlier considerations of the Select Committee review, as provided in section 1.8 of this report, are adopted.**

REASONS FOR DECISION – The Council has a duty of care as Landlord, and not in relation to any other Council duty, to be effective in the management of the property and land assets within its authority. As part of the information received in relation to certain recommendations, the heightened risk of flooding (specific to this land holding) has been

highlighted to the Council as a result of a new and independent Flood Risk Assessment. The Council has to consider the recommendations as provided by independent expert advice in supporting its key priorities of “Stronger Economy, Stronger Communities” in relation to asset management. Due to all of the above the Council must therefore properly assess the risks involved and review current procedures if necessary. The report also provides an update on all the recommendations from the Select Committee Review, the discussions with Bourne Leisure and progress with the disposal of the site.

#### OTHER OPTIONS CONSIDERED –

In relation to recommendation 1:

One option would be to agree to the Scrutiny consideration, at a meeting of 5 October 2015, that the current Closed Season should remain at two months, and for Cabinet to specify which continuous two months (within the four month period) should be selected. This option is against the current independent professional advice of Black and Veatch and the Environment Agency and therefore in the event of an incident of loss of life the Council could be liable for legal challenge. Furthermore, there would be no way to predict which continuous two months should be selected. For these reasons, deciding to renew leases with anything less than a four month Closed Season is not a viable option.

A further option would be to disregard all the information received in relation to Flood Risk and continue to manage the site as is currently. Whilst there are measures in place which mitigate some of these risks, such as the sea defences and Flood Evacuation Plans, these have been taken into account by the Environment Agency and Black & Veatch when advising on measures to mitigate against the potential risk to life and property by implementing a closed period of four months’. This option is against the current independent professional advice of Black and Veatch and the Environment Agency and therefore in the event of an incident of loss of life the Council could be liable for legal challenge. For this reason, deciding to renew leases with anything less than a four month Closed Season is not a viable option.

In relation to recommendation 2:

One option would be to renew the leases but with the current clauses and conditions. However, it is prudent to consider modernising and strengthening the clauses within historic leases at a time when it is appropriate to do so. The opportunity has been provided and therefore it would be sensible and good management practice to offer revised lease conditions. For this reason, deciding to renew on the current conditions is not a viable option.

A further option would be to do nothing and not renew the leases. This would result in leases expiring and holding over on current terms, which would not enable the Council to show they were taking every possible step to act on the independent professional flood risk advice. This option

would further frustrate the chalet owners who are keen to see their leases harmonised as soon as possible. Therefore this option is not viable.

There are no other options to consider in relation to the remaining recommendations.

DN.4 **CHILDREN'S SOCIAL CARE STATUTORY COMPLAINTS AND COMPLIMENTS ANNUAL REPORT 2015/16**

Cabinet considered a report from the Portfolio Holder of Children and Young People on the Children's Social Care Statutory Complaints and Compliments Annual Report 2015/16.

**RESOLVED – That the Children's Social Care Statutory Complaints and Compliments Annual Report for 2015/16 be accepted and approved.**

REASONS FOR DECISION – It is a requirement of The Children Act 1989 Representation Procedure (England) Regulations 2006 to produce an annual report regarding the representations made about social care statutory services. The purpose of the attached report is to inform the general public, elected members and Council officers about the effectiveness of the statutory complaints procedure.

OTHER OPTIONS CONSIDERED – It is a statutory requirement that an annual report is completed on these complaints and the activities undertaken in responding to the complaints follows current guidance. Our options are more about the flexibility that we have in reacting to and resolving the complaints. Our current approach is set out in the attached report.

DN.5 **PROVISIONAL OUTTURN REPORT 2015-16**

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Inclusion on the Council's provisional outturn position for 2015/16.

**RESOLVED –**

- 1) That the Provisional Financial Outturn Report be referred to Scrutiny for consideration .**
- 2) That slippage requests in respect of the 2015/16 capital scheme as detailed in Annex 2 be approved.**
- 3) That the revised 2016/20 Capital Programme as detailed in Annex 2 be approved.**

REASONS 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 – Not applicable.

DN.6

### **ENVIRONMENTAL POLICY**

Cabinet considered a report from the Portfolio Holder for Energy and Environment to adopt and publish a clear statement of approach to environmental management.

**RESOLVED –**

- 1) That the Environmental Policy Statement (in Appendix A) be approved and published on the internet.**
- 2) That the statement be referred to the Regeneration, Environment & Housing Scrutiny Panel and that Cabinet consider the role of Scrutiny Panel(s) in the consultation and engagement process, and how progress on delivering against the statement will be monitored**

REASON FOR DECISION - In order to demonstrate effective governance & environmental stewardship the Council is required to publish a clear environmental statement & review regularly.

OTHER OPTIONS CONSIDERED – None.

DN. 7

### **ENERGY AND CARBON VISION REPORT**

Cabinet considered a report from the Portfolio Holder for Energy and Environment on the Council's vision and approach to energy and carbon.

**RESOLVED –**

- 1) That the emerging “vision and ambition” set out in Appendix 2 for incorporation within a wider “public facing” document and to amend the scope of the commissioning priority to reflect this be approved.**
- 2) That the role of Scrutiny Panel(s) in the consultation and engagement process, and how progress on delivering the vision will be monitored be considered.**
- 3) That the decision of the Portfolio Holder for Environment Tourism and the Visitor Economy ,and approval by the Energy & Carbon Board, to sign the Climate Local declaration (Appendix 3) be noted.**

- 4) **That a further report in September 2016, setting out proposed commitments under the Climate Local declaration be received by Cabinet.**

REASONS FOR DECISION - It is important that, as part of the commissioning process, the scope of the work programme is clear and the expected outcomes are understood. The Energy & Carbon Board are developing an emerging vision to inform this process. Cabinet are also asked to note a decision taken by the Portfolio Holder for Environment Tourism and the Visitor Economy ,and by the Energy & Carbon Board.

OTHER OPTIONS CONSIDERED – None.

DN. 8

**ADOPTION OF CENTRAL GRIMSBY CONSERVATION AREA, CONSERVATION AREA APPRAISAL 2016 AND MANAGEMENT PLAN 2016**

Cabinet considered a report from the Portfolio Holder for Energy and Environment on the adoption of the Grimsby Conservation Area Appraisal and Management Plan 2016.

**RESOLVED - That the Central Grimsby Conservation Area, Conservation Area Appraisal and Management Plan 2016, as attached, are approved and adopted.**

REASONS FOR DECISION - To satisfy the legal duty placed on North East Lincolnshire Council, as the local planning authority, to review the Borough's conservation areas on a regular basis;

To comply with duties placed upon the Council to formulate and publish proposals for the preservation and enhancement of the borough's conservation areas;

To assist in good planning and carefully manage change so that it is appropriate within the Central Grimsby conservation area; and

To assist any potential heritage led-regeneration for the area.

OTHER OPTIONS CONSIDERED - Conservation Area Appraisals can be approved by Cabinet or Council without first having been through public consultation. However, their weight as material planning considerations is severely reduced and the amount of officer time used defending the features identified within it would be increased.

DN.9

**COMMUNITY LEARNING SERVICES – FUTURE GOVERNANCE**

Cabinet considered a report from the Portfolio Holder for Regeneration, Skills and Housing on the governance arrangements for Community Learning Services.

**RESOLVED – That the formation of an Improvement Board in accordance with Appendix A to this report be approved.**

REASONS FOR DECISION – An Improvement Board would provide the necessary support and challenge for the service and would be closely aligned to other similar services who have been commended, by Ofsted, on their leadership and management arrangements and have such structures in place e.g Middlesborough.

OTHER OPTIONS CONSIDERED - Other options to consider include ‘do nothing’, whilst internal improvements have been made these fall short of the external scrutiny and challenge required and would leave the service vulnerable in relation to any future Ofsted inspection. By doing nothing we would compromise the service and fall short in overseeing continuous improvement and the embedding of quality assurance systems in the service.

DN.10

#### **GREATER LINCOLNSHIRE DEVOLUTION PROPOSAL**

Cabinet considered a report to confirm the decisions of Council on the above in so far as they relate to the executive decision-making arrangements.

**RESOLVED – That the recommendations approved by Council at the Annual General Meeting on the 26<sup>th</sup> May 2016, be confirmed.**

REASONS FOR DECISION – In response to the information received.

OTHER OPTIONS CONSIDERED – Non.

DN.11

#### **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.12

#### **CORPORATE SCHOOL MEALS CONTRACT**

Cabinet considered and officer decision record on the Corporate School Meals Contract.

**RESOLVED – That the report be noted.**

REASONS FOR DECISION – In response to the update received.

OTHER OPTIONS CONSIDERED – Non.