



To be submitted to the Council meeting on 15th December, 2016

CABINET

17th October, 2016

PRESENT: Councillor Oxby (in the Chair)
Councillors Hyldon-King, James, Patrick, Watson, and Wheatley

Officers in Attendance:

Joanne Hewson	Deputy Chief Executive (Communities)
Ange Blake	Director of Economy and Growth
Sharon Wroot	Director of Finance, Resources and Operations
Tony Maione	Chief Legal Officer (Monitoring Officer)
Beverly Stanton	Scrutiny and Committee Advisor

Officers also in attendance:

Iain Lovell	Head of Communications
Teresa James	Lead Flood Risk Management Officer
Keith Thompson	Property Solicitor

Also, in attendance – Councillors De Freitas, Fenty, Harness, Lindley and Stockton

There were 26 members of the public and 2 members of the press in attendance.

CB.61

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Chase.

CB.62

DECLARATIONS OF INTEREST

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

CB.63

HUMBERSTON FITTIES

Cabinet considered a referral from Council with regard to a call-in of the decision taken by Cabinet at its meeting on 8th June, 2016 in relation to the Humberston Fitties Chalet Park.

Councillor Patrick explained that this has been on the authority's agenda for some time now, due to the high risk of public safety. He stated that legal advice had been obtained since the decision of Full Council to remit the matter back to Cabinet with a recommendation that the two month closed period be retained.

The Monitoring Officer specified that external legal advice on the subject matter, as specified in the Council report of 22nd September 2016, had been obtained.

Councillor Patrick asked for the Monitoring Officer's legal opinion on where the authority would stand in liability terms if the two-month closed season was retained.

The Monitoring Officer stated that if the prohibition on overnight stays were to stay at two months, the external advice received provided qualified assurance that the authority would not be liable in terms of corporate manslaughter nor negligence if a flooding event were to occur in the extra two months of the four-month period initially proposed for overnight stays to be prohibited. The Monitoring Officer stated that the advice received provided that a range of mitigation measures, including raising awareness, would deal with potential liability.

It was explained that new tenants will ordinarily be offered a four-month tenancy and existing tenants would be offered a two- or four-month tenancy when their current one came to its end of life. Existing tenants did however, have the option to change their tenancy to a closed four month period whenever they saw fit to.

RESOLVED –

- (1) That the referral back from Council on 22nd September 2016, with a recommendation to retain a two-month closed season, be noted.
- (2) That the decision taken by Cabinet on 8th June 2016 to implement a four-month closed season be noted.

- (3) That the recommendation from Council to retain a two-month closed season be approved.

The Monitoring Officer clarified that Cabinet had agreed for the two-month prohibition on overnight stays to remain for existing tenants. Existing tenants may request a new lease containing a four-month prohibition on overnight stays should they wish.

CB.64

DELIVERING DIFFERENTLY

Cabinet considered a referral from the Regeneration, Housing and Environment Scrutiny Panel with regard to a call-in of the decision taken by Cabinet at its meeting on 31st August 2016 on the implementation of a new alternative delivery model for the Cemeteries and Crematorium Service.

Councillor Watson stated that further to the scrutiny call-in an additional recommendation had been added. He explained that via the scrutiny process, feedback was received from funeral directors. Therefore, recommendation three within the report had been included so that if funeral directors wished, a meeting could be established between them and the local authority to discuss alternative solutions to address funeral poverty prior to formal market engagement. Councillor Watson stated that if this recommendation did not take place, the procurement of a joint venture partner would be pursued.

RESOLVED –

- (1) That the views of the Regeneration, Environment and Housing Scrutiny Panel, be noted.
- (2) That the decisions of Cabinet taken at its meeting on the 31st August 2016 be reaffirmed and the process for the procurement of a joint venture partner commence.
- (3) That in light of feedback from the funeral directors, via the Scrutiny process, a meeting be arranged to establish if there are any alternative solutions to address funeral poverty prior to formal market engagement.

There being no further business, the Chairman declared the meeting closed at 2.15 p.m.