



## CABINET

### DECISION NOTICE

Publication Date: 17<sup>th</sup> February, 2017

At a meeting of the Cabinet held on 15<sup>th</sup> February, 2017 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.114 **APOLOGIES FOR ABSENCE**

There was no apologies of absence received for this meeting.

DN.115 **DECLARATIONS OF INTEREST**

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

DN. 116 **MINUTES**

The minutes of the Special Cabinet meeting held on 11<sup>th</sup> January, 2017, and the Cabinet meeting on the 18<sup>th</sup> January 2017 were approved as a correct record.

DN.117 **OUTCOMES FRAMEWORK, COMMISSIONING PLAN AND BUDGET**

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Inclusion providing a summary of the Council's forecast financial position over the next three financial years.

**RECOMMENDED TO COUNCIL –**

- (1) That the 2017/18 Revenue Budget and summary Medium Term Financial Plan ('MTFP') for the period 2018/19 – 2019/20 contained within Appendix 1 and Annex 1, of the report now submitted be approved.**
- (2) That the creation of a £1m "Stronger Economies" capacity fund to enable economic growth for the period 2017/18 – 2018/19 be approved.**
- (3) That the support for the Council's Outcomes Framework be reaffirmed.**
- (4) That the Key Commissioning priorities and Commissioning briefs at Appendix 1 and Annex 2 within the report now supported, be approved.**
- (5) That the additions to the 2017/18 - 2019/20 capital programme as set out in Annex 3 of the report now submitted, be approved.**
- (6) That the use of reserves as set out in Annex 4 of the report now submitted, be approved.**
- (7) That the uncertainty and increasing risk around the MTFP be noted and that the Director of Finance, Operations and Resources be requested to report back to Cabinet in respect**

**of any material or significant variances against planning assumptions.**

- (8) That the proposed 1.98% increase in Council Tax, be approved.**
- (9) That the additional flexibility offered by DCLG relating to the Adult Social Care precept be noted and the increases re-phased to the precept as follows; 2017/18 – 3%, 2018/19 – 3%, 2019/20 – 0%.**
- (10) That the delay in the publication of the Final 2017/18 Local Government Finance Settlement be noted and request the Director of Finance, Operations and Resources to report back to Cabinet in respect of any material or significant variances against the assumptions contained within this report.**
- (11) That a stronger communities capacity fund of £45k be established to replace the ward funding scheme, subject to governance arrangements to be finalised by the Director of Finance, Operations and Resources, in consultation with the Leaders of the political groups and the Portfolio Holder for Finance, Resources and Inclusion.**

REASONS 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 2017/18.

In order to create a sustainable financial future, the adoption of a commissioning approach and continued focus upon economic growth will be used by the Council to achieve agreed priorities and outcomes and secure the best deal for North East Lincolnshire and its communities.

This report provides a summary of the Council's forecast financial position over the next three financial years. The report sets out how the Council intends to prioritise use of resources to deliver sustainably.

OTHER OPTIONS CONSIDERED – Option appraisal has been undertaken in setting both the Revenue and Capital budget. A range of options will be considered when considering service delivery within defined financial resources to support the delivery of a balanced budget in 2017/18.

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Inclusion presenting the restated Treasury Policy Statement and the Treasury Management Strategy Statement.

**RECOMMENDED TO COUNCIL –**

**(1) That the Treasury Management Policy Statement at Appendix 1 of the report now submitted, be approved.**

**(2) That the Treasury Management Strategy Statement and Prudential Indicators for 2017/18 at Appendix 2 of the report now submitted, be approved.**

**(3) That the MRP Policy Statement at Annex 2 in Appendix 2 of the report now submitted, be approved.**

REASONS FOR DECISION – The Chartered Institute of Public Finance and Accountancy’s (CIPFA) Code of Practice for Treasury Management in Public Services (the CIPFA TM Code) and the Prudential Code require local authorities to approve their Treasury Management Strategy Statement and Prudential Indicators on an annual basis. The Code requires the Strategy to be approved by full Council.

OTHER OPTIONS CONSIDERED – These are set out on Page 23 of the Appendix to the report now submitted.

DN.119

**TREASURY MANAGEMENT HALF-YEAR REPORT 2015/16**

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Inclusion on the of treasury management arrangements, activity and performance during the first half of 2016/17.

**RESOLVED - That the content of the report be noted.**

REASONS FOR DECISION – The Council’s treasury management activity is underpinned by CIPFA’s Code of Practice on Treasury Management (“the Code”), which requires local authorities to produce annually Prudential Indicators and a Treasury Management Strategy Statement on the likely financing and investment activity. The Code also recommends that members are informed of treasury management activities at least twice a year.

OTHER OPTIONS CONSIDERED – The appendix attached details how the composition of counterparties utilized for investments changed over the course of the year as the risk environment altered as a consequence of the Brexit vote.

Whilst no new borrowing was undertaken during the period future decisions will be taken after a review of other options available to us

(primarily Public Works Loan Board (PWLB)) in order to determine the best option in terms of value and fit with our projected short-term needs.

DN.120 **PAY POLICY STATEMENT**

Cabinet considered a report from the Leader of the Council setting out the local authorities pay policy statements.

**RECOMMENDED TO COUNCIL – That the pay policy statement for the period 2017/18 be approved.**

REASONS FOR DECISION – To ensure compliance with legislation and recommended practice on data transparency.

OTHER OPTIONS CONSIDERED – None.

DN.121 **SCHOOL TERM DATES FOR THE 2018-2019 ACADEMIC YEAR**

Cabinet considered a report from the Portfolio Holder for Children's Services setting out the proposed School Year for 2018-2019 for all voluntary controlled and community schools within the local authority.

**RESOLVED – That the proposed dates in Proposal 1 of the report now submitted for voluntary controlled and community schools, for the 2018–2019 academic year be approved.**

REASONS FOR DECISION – The 1996 Education Act requires local authorities to determine school term dates annually. Proposal 1 is recommended as this would ensure as much uniformity as possible with our internal own admission authority schools and academies and neighbouring local authorities. Therefore, minimising where possible internal differences and any cross boundary disruption.

OTHER OPTIONS CONSIDERED – None.

DN.122 **SCHOOL ADMISSION ARRANGEMENTS FOR THE 2018-2019 ACADEMIC YEAR**

Cabinet considered a report from the Portfolio Holder for Children's Services on the local authority's school admission arrangements for community and voluntary controlled schools for the academic year 2018-2019.

**RESOLVED –**

**(1) That the general admission arrangements, including published admissions numbers (PANs), for the local authority's community**

and voluntary controlled schools for 2018-2019 be unchanged from 2017-2018.

- (2) That no material changes be made to the local authority's co-ordinated school admission arrangements published schemes other than the updating of dates and deadlines, and that locally agreed protocols that support admission arrangements continue to be reviewed on a regular basis.
- (3) That the Deputy Chief Executive continue to have delegated powers in consultation with the governing bodies of community and voluntary controlled schools to increase the published admission number of an individual year group in a school in exceptional circumstances.
- (4) That it be noted that those schools / academies that are their own admission authorities have the ability to consult and determine their own admission arrangements. Details of known proposed changes are provided at Appendix 1 of the report now submitted.
- (5) That it be noted with the increasing number of academies within the local authority, the number of schools for which the local authority is responsible for in respect of determining admission arrangements is reducing.

REASONS FOR DECISION – The Education (Determination of Admission Regulations 1999) requires school admission arrangements for 2018-2019 to be determined and published, after any required consultation by 28 February 2017. The recommendations above result from the statutory consultation required under legislation.

OTHER OPTIONS CONSIDERED – Other options are regularly considered in the wide ranging consultations.

DN.123

### **NELCCG PERFORMANCE REPORT QUARTER 3**

Cabinet considered a report from the Portfolio Holder for Health and Wellbeing presenting the quarterly adult social care performance report for quarter 3 of 2016/17.

**RESOLVED – That the content of the report and issues arising be noted and referred to the Health Scrutiny Panel for its consideration.**

REASONS 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.

DN.124

**COMMUNITY PROTECTION NOTICES (CPN)**

Cabinet considered a report from the Portfolio Holder for Safer Communities, Public Protection and Visitor Economy recommending that the Council utilise the powers as set out in the Anti-Social Behaviour Crime and Policing Act 2014 to issue Community Protection Notices.

**RESOLVED –**

- (1) That the approach to utilise the powers under the Anti-Social Behaviour, Crime and Policing Act 2014 to undertake a robust enforcement approach through the use of Community Protection Notices to tackle environmental crime and anti-social behaviour, be supported.**
- (2) That a £100 penalty to be paid within 14 days of issue in the form of a fixed penalty notice (FPN) for failing to comply with a Community Protection Notice, be approved. This amount is to be reduced to £75 if the Fix Penalty Notice is paid in full within 8 days from the time of issue.**
- (3) That under the current delegated powers of the Monitoring Officer and Chief Legal Officer, the Registered Social Landlords be designated the power to issue Community Protection Notices directed towards their tenants or behaviour affecting their tenants to improve the management of their estates.**

REASONS FOR DECISION – Setting the FPN charge enables a common approach to be used by the Council when issuing a FPN in relation to CPNs. This will reduce the administrative burden prior to issuing the FPN. Without a decision to set the FPN charge the Council would be required to undertake a review of the charge appropriate for each FPN on a case by case basis or take each failure to comply with a CPN to the Magistrates Court for breach.

OTHER OPTIONS CONSIDERED – Remain as we are and don't use the legislation. This will hinder the ability of the Council and partners to tackle environmental crime and ASB efficiently and effectively. The appropriate use of CPNs enables the Council to use new legislative powers to mitigate anti-social nuisance which has a negative effect on our residents, estates and public spaces.

DN.125

**URGENT BUSINESS – PUBLIC CONVENIENCES – PROCUREMENT EXERCISE**

Cabinet received a report from the Portfolio Holder for Finance, Resources and Inclusion informing of further options in respect to

mitigation of the financial pressures that the Public Conveniences portfolio present the Council and seeking approval to implement the outcome of discussions of the public convenience Scrutiny Working Group against the necessity to achieve the level of savings required.

This item was considered urgent in order to keep Cabinet members informed of the outcome of the Public Conveniences Scrutiny Working Group and to allow progression of the procurement exercise at the earliest opportunity in order to achieve the required financial savings.

**RESOLVED –**

- (1) That a procurement exercise be carried out at the earliest opportunity to determine the viability of an external provider taking over five public conveniences:**
  - **Sea Road**
  - **Kingsway**
  - **St. Peters Avenue**
  - **Market Hall (market days)**
  - **Grant Street (summer season)**
  
- (2) That the Boating Lake public conveniences be closed and allow for opportunities for disposal or community asset transfer.**
  
- (3) That the Garibaldi Street public convenience be closed and allow for disposal of the site.**
  
- (4) That in the event of a procurement site exercise being unsuccessful the working group be reassembled quickly to give immediate consideration to the previous options.**
  
- (5) That the Director of Finance, Operations and Resources in consultation with the Portfolio Holder for Finance, Resources and Inclusion be delegated responsibility to ensure that all necessary actions are carried out in order to complete and approve the matters outlined above.**
  
- (6) That the Monitoring Officer be authorised to complete all requisite legal documentation in relation to the matters outlined above.**

**REASONS FOR DECISION –** The Council is required to achieve significant financial savings derived from the current management of the Public Convenience portfolio. The previous decision has not resulted in the level of income required to sustain the continued operation of the portfolio, therefore further options need exploration.

**OTHER OPTIONS CONSIDERED –** Do nothing would result in the continued subsidised management of this portfolio and would not result in the achievement of the required £120,000 savings target. The Council would also continue to manage poor performing and underutilised sites,



such as Garibaldi Street, at a high revenue cost as well as capital investment associated with maintaining and improving the fabric of buildings which are deteriorating and which subsequently impacts on the level of cleaning standards that can be achieved. This is not considered a viable option.

DN.126

**URGENT BUSINESS – TOLL BAR JUNCTION IMPROVEMENT**

Cabinet considered a verbal update from the Portfolio Holder for Energy and Environment on the outcome of the call-in considered by Regeneration, Housing and Environment Scrutiny Panel on the Toll Bar Junction Improvement decision taken at the meeting of Cabinet of the 18<sup>th</sup> January 2017.

This item was considered urgent to allow Cabinet to respond promptly to the call-in and in order to meet associated funding deadlines.

**RESOLVED – That the original decision taken by Cabinet on the 18<sup>th</sup> January 2017 be reaffirmed.**

REASONS FOR DECISION – As per the original decision of Cabinet.

OTHER OPTIONS CONSIDERED – Cabinet had considered alternative proposals previously recommended by scrutiny, including the option for a roundabout with peak time part-time traffic signals and incorporating enhanced pedestrian and cycling facilities that was suggested within the call-in.