

CABINET

DECISION NOTICE

Publication Date: 16th March, 2017

At a meeting of the Cabinet held on 15th March, 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.131 **APOLOGIES FOR ABSENCE**

There were no apologies of absence received for this meeting.

DN.132 **DECLARATIONS OF INTEREST**

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

DN.133 **MINUTES**

The minutes of the Cabinet meeting held on the 15th February 2017 were approved as a correct record.

DN.134

HUMBERSTON FITTIES

Cabinet considered a report from Portfolio Holder for Finance Resources and Inclusion providing an update following the Scrutiny meeting on the 21st February 2017 and recommending the offer be approved.

RESOLVED –

- (1) That the offer from the preferred bidder, as outlined in section 1.17 of the 18 January 2017 report and subject to the observations of Scrutiny as per recommendation 2; which will result in the disposal of the Fitties site (as per the plan outlined at Appendix One of the report now submitted) for a fixed sum payable as a premium payment and a long leasehold interest (125 years'), be approved.**
- (2) That the observations of Scrutiny as outlined in section 6.1 of the report now submitted, be noted.**
- (3) That the Director of Finance, Resources and Operations in consultation with the Portfolio Holder for Finance, Resources and Inclusion be authorised to approve the detailed terms relating the disposal.**
- (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.**

REASONS FOR DECISION – The Council is following up on the previous decision of cabinet of the 18 January 2017 where an in principle disposal to a preferred bidder was agreed. The decision was subject to approval by Full Council and on the 8 February 2017 the matter was referred to the Regeneration, Housing and Environment and Tourism, Leisure and Culture scrutiny panels. Further to the meeting of Scrutiny of the 21 February 2017, recommendations to cabinet are set out at section 6 of this report.

OTHER OPTIONS CONSIDERED – As per the report to cabinet of 18 January 2017.

DN.135

RESOURCES MONITORING REPORT - QUARTER 3

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Inclusion providing key information and analysis of the

Council's financial position and performance at the end of the third Quarter of 2016/17.

RESOLVED –

- (1) That the Quarter 3 Resource Monitoring Report be referred to Scrutiny for consideration.**
- (2) That the changes to the capital programme as detailed in Annex 1 to Appendix 1, of the report now submitted, be approved.**

REASONS FOR DECISION – The report is an important method of reporting to Cabinet on performance against the Council's financial plan, highlighting successes, noting pressures, and detailing areas of focus and risk, whilst outlining where actions need to be taken.

OTHER OPTIONS CONSIDERED – None.

DN.136

MERIDIAN SHOWGROUND, DISCOVERY CENTRE AND CLEETHORPES PADDLING POOL

Cabinet considered a report from the Portfolio Holder for Safer Communities, Public Protection and the Visitor Economy providing an update on a review of the current management, maintenance and operational arrangements at the Meridian Showground, Discovery Centre, and Cleethorpes Paddling.

RESOLVED –

- (1) That the services undertaken from the Meridian Showground (lot 1), Discovery Centre (including sandpit) and Cleethorpes Paddling Pool (lot 2) be offered to an external organisation, either Lincs Inspire or through the procurement of an external provider, be approved.**
- (2) That the Director of Economy and Growth in consultation with the Portfolio Holder for Safer Communities, Public Protection and the Visitor Economy be approved to offer the management, maintenance and operation of the Meridian Showground (lot 1), Discovery Centre (including sandpit) and Cleethorpes Paddling Pool (lot 2) to Lincs Inspire Limited.**
- (3) That in the event Lincs Inspire Limited express no interest in the transfer of one or both lots or terms cannot be agreed between North East Lincolnshire Borough Council and Lincs Inspire Limited, that the Director of Economy and Growth in consultation with the Portfolio Holder for Safer Communities,**

Public Protection and the Visitor Economy commence a public procurement exercise for the relevant lot(s).

(4) That the Director of Finance, Resources and Operation in consultation with the Portfolio Holder for Finance and Resources be delegated responsibility to ensure that all necessary actions in relation to the transfer of assets are approved and carried out.

(5) That the Monitoring Officer be authorised to approve the detailed terms of the Services contracts and disposal and complete all requisite legal documentation in relation to the matters outlined above.

REASONS FOR DECISION – The decision allows the Council to cease all management, maintenance and operation of the Meridian Showground (lot 1), Discovery Centre (including sandpit) and Cleethorpes Paddling Pool (lot 2) and offer the Services and lease of assets to an external organisation, following the outcome of a full commissioning review.

Under the contract between North East Lincolnshire Borough Council and Lincs Inspire Limited - Agreement for the provision of Consultancy Advice and delivery of Services relating to Libraries, Archives, Sport & Leisure; Arts & Entertainment and any ancillary and additional services to be agreed (“the Agreement”), the above services are deemed ‘Additional Services’, and a process is set out in the Agreement which requires the Council to offer them to Lincs Inspire Limited first, if it decides to look to transfer the management and operation. The Agreement also governs the process of offering these Additional Services to Lincs Inspire Limited.

If the Services and assets are not transferred to Lincs Inspire Limited, under the provisions within the Agreement, the transfer of the Services / leases to an external organisation would be undertaken via a procurement exercise, in line with the Council’s Contract Procedure Rules and procurement legislation. This will allow the Council to source a provider to manage, maintain and operate the Services Lincs Inspire Limited decline to take on.

The decision to delegate the approval to undertake a procurement means that Cabinet will receive a further report for approval on the final decision following the completion of a procurement exercise.

OTHER OPTIONS CONSIDERED –

Do nothing and keep the services in-house. A significant amount of work has been undertaken during the past year to reduce the budgets as much as possible within the current cost restraints. The Services need to be delivered differently in order to achieve the required savings, in line with the Council’s outcomes framework and future commissioning and enabling role in the Borough.

Cease operation of the service areas. Closure of the service areas would have a detrimental effect on the culture, leisure and tourism offer in the resort, and on the Council's ability to achieve its priorities of Stronger Communities and Stronger Economy, and the outcomes everyone in North East Lincolnshire 'enjoy good health and well-being and benefit from sustainable communities'.

Sale of the Sites. The Council holds a valuation assessment of both Meridian Showground (lot 1) and Discovery Centre (including sandpit) and Cleethorpes Paddling Pool (lot 2). The grant conditions attached to these sites place restrictions on their sale.

The sale of the sites could have a detrimental impact on the resorts culture, leisure and tourism offer, and the Council's ability to achieve its priorities of Stronger Communities and Stronger Economy, and the outcomes that everyone in North East Lincolnshire 'enjoy good health and well-being' and 'benefit from sustainable communities'. Any sale would also prevent the Council from taking advantage of opportunities for the use of the sites in the future.

DN.137

NATIONAL NON DOMESTIC RATES DEBTS

Cabinet considered a report from the Portfolio Holder for Finance, Resources and Inclusion on the write off of uncollectable National Non Domestic Rates.

RESOLVED – That the recommendation to formally write off the sum of £145,621.81, be approved.

REASONS FOR DECISION – The Council's Financial Procedure Rules require Cabinet approval to write off debts of over £50k.

In each of the cases recommended for write off, the company has ceased trading. Where appropriate, claims have been sought via the liquidators.

OTHER OPTIONS CONSIDERED – If cabinet does not agree to approve write off of these debts they will remain within the NNDR system with little or no prospect of collection. A review of outstanding debts is necessary for North East Lincolnshire Council to ensure effective management of outstanding debt. The amounts in the report are recommended for write off in accordance with prudent accounting methods and have already been taken into account in the 2016/17 NNDR estimates. The Council's bad debt provision has already been adjusted to reflect these debts.

DN.138

URGENT BUSINESS - GRIMSBY ICE RINK

Cabinet considered a verbal update from the Portfolio Holder for Health and Wellbeing on the referral from Council following its consideration of the call in of the decision to close the Ice Rink at the Grimsby Leisure

Centre and also received the comments of the ice rink scrutiny working group.

This item was considered urgent in order to assure the community group that the matter was being dealt with promptly.

RESOLVED - That the comments of the working group be noted and the referral from Council be accepted subject to a firm instruction that the community asset transfer process be completed within the six month timescale for which funding has been allocated to keep the ice rink open.

REASONS FOR DECISION – Not applicable

OTHER OPTIONS CONSIDERED – Not applicable

DN.138 **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.139 **HOLY FAMILY CATHOLIC ACADEMY – LONG TERM SOLUTION**

Cabinet considered a report from the Portfolio Holder for Children's Services setting out the proposed long term solution to retain the secondary school places in the Cleethorpes area.

This item was considered urgent to allow a timely solution to transfer the sponsor.

This was considered under the Special Urgency provision and is therefore exempt from call-in.

RESOLVED –

(1) That the Deputy Chief Executive Communities be authorised to have delegated powers with support from the Section 151 Officer to deliver assistance, as set out in the report now submitted, in the retention of secondary school places in the Cleethorpes area at the current Holy Family Catholic Academy school site.

(2) That the request for the Portfolio Holder for Children's Services to be a member of the Governing Body of Holy Family Catholic Academy, be approved.

REASONS FOR DECISION – The local authority has a statutory duty under The Education Act 1996 to ensure the sufficiency of school places in the local area.

OTHER OPTIONS CONSIDERED – As set out in the report.